

DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE OF MAINE

RE: WEST OLD TOWN LANDFILL LICENSE AMENDMENT
APPLICATION PUBLIC SESSIONS

MORNING SESSION
MARCH 29, 2004

March 29, 2004

10:00 A.M.

TRANSCRIPT_OF_PROCEEDINGS

MR. BURSON: Good morning, everyone. I think we are ready to begin. If you're just coming in, if you could take a seat. My name is Malcolm Burson, and I'm with my colleague, Elaine Walsh. We will be responsible for assuring that the meeting proceeds according to ground rules. I work for the Department of Environmental Protection. Ms. Walsh works for the consulting firm of Barton & Gingold, who the Department has hired to assist us in this process. In a few minutes, after we provide the Commissioner an opportunity to speak, we will go over the ground rules for our meeting today and tomorrow and the rules for how we would like the order of speaking to take place. Many of you have come in already and filled out a piece of paper indicating that you are interested in making a comment at some point, and we want to make sure you know that you may do that at any time. We will take and call on people who wish to speak based on the order in which they filed their piece of paper saying that they wished to speak. You may at any time add a piece of paper to that. We will go over the rules again, but for the moment we would like to turn this over to Commissioner Gallagher, who will welcome

1 you to the meeting and discuss the reason for the meeting.

2 COMMISSIONER GALLAGHER: Thank you, Malcolm.
3 I'm Dawn Gallagher. I'm the Commissioner for the Department
4 of Environmental Protection. As probably most of you know,
5 we are the Department that is responsible for determining
6 whether or not to grant this license or an amendment to the
7 application to the Old Town landfill. I'm really pleased to
8 see that you are here today. What I would like to do is to
9 hear comments, testimony, facts, information that you want
10 to present of the statutory and regulatory criteria. Paula
11 Clark, who also works for DEP, will explain in a couple of
12 minutes what we mean when we talk about the criteria, the
13 statutory criteria. Under this application we -- as you
14 also probably know, the landfill itself was approved, I
15 think, in 1992 or 1993 by the Board of Environmental
16 Protection, so what we're dealing with is just an
17 application on the amendment, which would be a vertical
18 increase to the landfill itself. Having said that, I do
19 expect to be very liberal in terms of the comments that we
20 do take today, and I ask that for anybody that wants to
21 speak that you do get a chance to get up and talk to us.
22 Thank you, Malcolm.

23 MS. WALSH: We're going to go through the
24 ground rules a couple of times today, and this will be the
25 first time we do that. Again, these are just meeting

1 management pieces. Sorry about the feedback. I think if I
2 stand in the middle of the room right here and not move, it
3 will be okay. So the ground rules are posted in several
4 places. It might be easiest for everyone in the audience to
5 see the ones that are up on the door over here. There are
6 some back here as well. The first one is that the
7 facilitators manage the process. We're here today for you
8 to give your comments on this proposed permit. We will go
9 through the way that we do that to sign up for that.
10 Malcolm will do that in a minute. We are going to manage
11 the process. You're here to give feedback and comments, and
12 we want everybody to have a chance to speak. If you wish to
13 speak, you need to fill out a registration card, and those
14 are at the door. We're doing a one minute time limit for
15 the comment period. You'll have five minutes to ask a
16 question or comment, and then we will need to see how
17 everyone cycles through, and then we renegotiate how we're
18 going to handle additional comments later on. Our first
19 pass is to make sure everybody has the opportunity to speak
20 and to make a comment. You need to indicate the session at
21 which you'd like to speak. If you look at the card -- and
22 those will be available all day today and tomorrow. The
23 comment period today starts at 3:00, and you'll just need to
24 sign up for that. We're actually numbering those so that we
25 just take the comments as people sign up. I've already done

1 all of that. So it's basically in the order that they're
2 received. The ground rules that are for the meeting is
3 speak one at a time. In order for all of us to have the
4 benefit of being in the same room together, getting
5 comments, we really need for folks to allow the person
6 that's speaking the respect of not interrupting. Don't
7 interrupt people, and try to keep side conversations to a
8 minimum so that we can really focus on what everybody is
9 saying. Be respectful of other's opinions and their ideas.
10 Everybody in the room does not have the same opinion, and we
11 want to be respectful and want to hear everybody. Be
12 efficient with language and time. There are going to be
13 many opportunities for comments, both verbal and written,
14 and so we would just ask that, especially in the context of
15 questions, if you have a question and that question has been
16 asked and answered, please don't ask that question again.
17 Practice candor and kindness. We are in a public place, and
18 we really need to act in the interest of respect and candor.
19 We want to hear honestly what you think and how you feel.
20 That's very important to the DEP today, but we ask that you
21 do it in a kind -- try to do it in a kind and respectful
22 way. I do have a little thing that I use with these
23 meetings. It's faint. I have a little bell, and when
24 things get out of control -- and I know it's a little
25 Tinkerbell-ish, and I apologize. If you hear the bell, then

1 the facilitators need to come back and manage the process
2 again. Rather than a fog horn or something really
3 obnoxious, if you just allow us to use this, it actually
4 manages the process quite well. Avoid personal attacks.
5 Again, we're here to be productive. We want to hear from
6 you. We'd just ask that you be respectful. The last one is
7 to turn off all your cell phones and pagers. We realize
8 that folks are probably on the fire department need to have
9 a pager or cell phone on. If you could just put it on
10 vibrate, that would be much appreciated. Malcolm will talk
11 about procedures for speaking.

12 MR. BURSON: Thank you. Again, the
13 procedures we would like to follow today and tomorrow are
14 written on the wall on the posters. There are couple things
15 we would like to make sure we do. In order, again, to make
16 sure everyone has an opportunity to speak and be heard, for
17 today you will be asked to limit your comments to five
18 minutes. We have a clock on the wall behind us and another
19 one up here. They are roughly synchronous. You have five
20 minutes. We will give you a warning at four minutes that
21 you have one minute left, and we will be quite rigorous at
22 that point in asking you to stop speaking if you have
23 reached your five-minute limit. The applicant and the
24 Department will then have, if there's a question inherent in
25 that comment, five minutes to respond. They may not

1 necessarily take it. We ask that you not yield your time to
2 some following speaker. We are most interested in hearing
3 what individuals have to say. If you don't use all your
4 time, it will in a sense go into the bank and be available
5 as the meeting proceeds, but you won't be able to give your
6 remaining time to someone else. When you come up to the
7 front, please make sure that you identify yourself by name
8 and any organization that you represent. For the interest
9 of our hard-working reporter over here, speaking slowly is
10 obviously a very useful thing. Because we are asking, as
11 many of you have asked, that comments be on the record, it
12 is very important that we be able to identify you as the
13 speaker. We do not expect that there will be any difficulty
14 with these procedures, but if at any time the facilitators
15 feel that the meeting is getting out of hand in any way, the
16 Commissioner reserves the right at that point to stop the
17 proceedings and to call a recess until such time as the
18 place can be orderly and ready to proceed again. That is
19 her prerogative. Because we're going to be spending a good
20 deal of the morning with the formal presentations from the
21 applicant and agencies, which will take up some time, we
22 suspect that time will be particularly at a premium today.
23 That being the case, once all persons who wish to speak this
24 afternoon or then into this evening have had a chance, then
25 and only then will people have an opportunity to speak a

1 second time. We're asking that people only speak once until
2 everyone in the room who wishes to speak has had an
3 opportunity to. If we find ourselves with extra time, then
4 obviously it becomes easier to do that, but we want to make
5 sure that we get to the end of the day with nobody who
6 hasn't had a chance to speak who wished to. Since we do not
7 know exactly how many people will wish to speak or for how
8 long, we will review that process tonight, and when we get
9 to tomorrow morning and begin again tomorrow morning, then
10 again we'll look at how much time we may want to allow for
11 people depending on how many people wish to speak. That
12 being the case, you can see it becomes particularly
13 important that you follow, as Elaine pointed out, this
14 registration procedure of signing up and indicating that you
15 wish to speak because we will continue to take those in
16 order. We're numbering them as we take them in, and that
17 will give us an idea of how many people are still waiting to
18 speak. It may help us to manage the time issue a little
19 better. Can you think of any I have missed? I believe
20 that's all. Commissioner, do you have any other comments?

21 COMMISSIONER GALLAGHER: No.

22 MR. BURSON: That being the case, I would
23 like to turn the meeting over to Paula Clark, who is the
24 Director of the Division of Solid Waste from the Department
25 of Environmental Protection.

1 MS. CLARK: Good morning. My name is Paula
2 Clark. I'm the Director of the Division of Solid Waste
3 Management at DEP. What I would like to do briefly is
4 provide an overview of both the process and the standards by
5 which this license amendment application is being evaluated
6 by the Department. As you heard earlier from Commissioner
7 Gallagher, this landfill was originally license in 1993, and
8 the application to amend this existing landfill license was
9 submitted to the Department by the State Planning Office
10 October 30 of 2003. The initial process that the Department
11 goes through is a preliminary evaluation of all applications
12 that come before the agency to determine if they're complete
13 for processing, meaning essentially that we check to see
14 that all of the required and relevant pieces of information
15 have been submitted. That determination was made on this
16 particular application on November 21 of 2003. At that
17 point the Department proceeded with its detailed evaluation,
18 and that's been continuing to date. The major changes that
19 were proposed by the State Planning Office in the license
20 amendment application were, first of all, a proposal to
21 increase the final landfill elevation from 270 feet to 390
22 feet. Secondly, they proposed to accept additional waste
23 types that had not been accepted at the landfill previously.
24 Those included construction and demolition debris,
25 incinerator residue, and certain other types of special

1 waste in smaller quantities. Finally, there were various
2 waste handling and landfill monitoring changes that were
3 also proposed in the application. All license applications,
4 including this one, that are submitted to the Department of
5 Environmental Protection are reviewed under standards that
6 are in established in the Department's Chapter 2
7 regulations. Those regulations concern the processing of
8 applications, and there are also provisions in those rules
9 for other administrative matters as well. Chapter 2
10 regulations, as many of you know, also contain specific
11 provisions for public notice and public participation in the
12 licensing process. A brief word about the standards that
13 the Department uses in evaluating landfill proposals. In
14 statute and in department regulation there is a broad
15 overarching standard that reads as follows. The Department
16 shall issue a license for a solid waste facility whenever it
17 finds, based upon substantial evidence in the record, that
18 the solid waste facility will not contaminate any water of
19 the state, contaminate the ambient air, constitute a hazard
20 to health or welfare, or create a nuisance. That is a very
21 broad guiding standard upon which statutory and regulatory
22 standards are based. In Maine statute in Title 38 there are
23 seven broad general standards that the Legislature has
24 established that the Department must use in evaluating solid
25 waste facility applications, including landfills. Those

1 are, first, that the applicant has the financial and
2 technical ability to develop the project in a manner
3 consistent with state environmental standards and the
4 provisions of the chapter and law. Secondly, the applicant
5 has made adequate provision for traffic movement of all
6 types into, out of, and within the proposed solid waste
7 facility. Number three, the applicant has made adequate
8 provision for fitting the proposed solid waste facility
9 harmoniously into the existing natural environment, and the
10 proposed solid waste facility will not unreasonably
11 adversely affect existing uses, scenic character, air
12 quality, water quality, or other natural resources in the
13 municipality or in neighboring municipalities. Fourth, the
14 proposed solid waste facility will not pose an unreasonable
15 risk that a discharge to a significant groundwater aquifer
16 will occur. Number five, the proposed solid waste facility
17 will be built on soil types that are suitable to the nature
18 of the undertaking and will not cause unreasonable erosion
19 of soil or sediment. Number six, the applicant has made
20 adequate provision for utilities, including water supplies,
21 sewage facilities, solid waste disposal, and roadways
22 required for the project, and the proposed solid waste
23 facility will not have an unreasonable adverse effect on the
24 existing or proposed utilities and roadways in the
25 municipalities or areas served by those services. Finally,

1 the project will not unreasonably cause or increase the
2 flooding of the alternation area or adjacent properties nor
3 create an unreasonable flood hazard to a structure. As you
4 can see, those are very general standards that are outlined
5 in Title 38. From those standards the Department has
6 established very specific and comprehensive rules concerning
7 all aspects of landfill siting, design, operation, closure,
8 and monitoring, and those standards are found in the
9 Department's rules, Chapters 400, 401, and 405. Finally, a
10 brief word about the status of this particular application.
11 As I mentioned before, the Department has been involved in a
12 detailed evaluation of all aspects of the landfill
13 application to date. That evaluation has been ongoing, and
14 throughout that process we have received and made part of
15 the record public comment that has come to the agency. All
16 public comment that has been received has been made part of
17 the record, and all comments received will be considered
18 prior to a final decision being made on this license
19 application. On February 17 of 2003 the Department issued a
20 draft license concerning the application. We have received
21 a number of comments on that draft license. The public
22 comment period, during which you may provide oral and
23 written comment, will be considered as part of the record.
24 The deadline for that will be the close of these public
25 sessions tomorrow evening. We have -- up at the front of

1 the room as you enter there is a sheet that you may use if
2 you have public comment that you would like to provide and
3 leave with us, if you have previously made comment, you're
4 invited to provide anything additional that you may wish at
5 this time. Again, there are forms at the front if you would
6 like to do that. Finally, at this point we are planning
7 that the final decision on this license application will be
8 made on April 9. I was reminded that also at the front of
9 the room there are three, three-ring binders, and within
10 those binders are copies of all of the public comments that
11 have been received on this application to date. Those are
12 available. If you would like to look at those, review
13 those, they're up at the front table. Please feel free to
14 do that at your leisure. Thank you. With that I will turn
15 it over to the State Planning Office for an overview of
16 their involvement with this project.

17 COMMISSIONER GALLAGHER: Before we begin with
18 other additional information, I know it was very critical to
19 a lot of people that requested another public session that
20 what was said was under oath. So at this time I would like
21 to request that anybody who wishes to testify under oath and
22 on the record stand, and I will swear you in, and then we
23 can be done with that. Members of the audience, if you wish
24 to testify and wish to testify on the record under oath, if
25 you would also stand as well. If you think there's a

1 possibility that you might want to testify, you can always
2 go ahead and stand and take the oath, and if you decide not
3 to, there's nothing that requires you to do that. I'm going
4 to ask you to raise your right hand and state your name. I,
5 state your name, swear to tell the truth and nothing but the
6 truth. Thank you.

7 MR. DOYLE: Commission Gallagher, Mr. Burson,
8 Ms. Walsh, Paula, members of the public, my name is Tom
9 Doyle. I'm an environmental attorney with Pierce Atwood in
10 Portland. We represent Casella Waste Systems in their
11 effort to seek approval for this amendment application. I
12 was also the attorney involved 11 years ago here in Old Town
13 when James River Corporation sought approval for the West
14 Old Town landfill. I was the lead attorney responsible for
15 permitting that project. I have a familiarity with the site
16 and with Old Town. That facility was the first new landfill
17 that was built, licensed, and constructed under stringent
18 solid waste management laws adopted in 1989 by both the
19 Maine Legislature and the Maine DEP. At that time the
20 essential siting issues such as potential impact on natural
21 resources, potential risk to sensitive receptors, and
22 potential impact on neighbors were reviewed and addressed by
23 multiple scientists, including those of the applicant, those
24 hired by the City of Old Town, a company called Robert G.
25 Gerber, Inc., and the DEP's technical experts in the

1 licensing process. Since then, as you know, the landfill
2 has been transferred into the ownership of the State
3 Planning Office. State ownership of a regional or a
4 statewide disposal facility has been a goal of the state
5 since 1989 when it banned the establishment of new
6 commercial landfills. The amendment application that is the
7 subject of this meeting today involves essentially two
8 requests; the first, a request to increase the licensed
9 capacity of the facility, and, second, a request to accept
10 additional solid waste streams in addition to those
11 originally approved for the facility in 1993. What I want
12 to do in the next few minutes is just provide a brief road
13 map of what Casella and the State Planning Office's
14 presentation will entail over the approximately 45 to 60
15 minutes. First, let me emphasize that the amendment
16 application is a very comprehensive document consisting of
17 four volumes, including various plans. In addition, since
18 submission of the application on October 30, there have been
19 numerous responses to comments that have been submitted both
20 by State Planning and by Casella. Because all of these
21 items are already in the record, in the interest of time
22 we're not going to talk about every issue that's been
23 discussed in the application or those in response to
24 comments. Instead, what we intend to do is simply provide
25 the highlights of the application and then turn the meeting

1 back to the moderators to invite members of the public to
2 comment or ask questions. With this approach we won't cover
3 every topic in the application in our presentation this
4 morning, but rest assured that all applicable topics and
5 issues have been addressed in the amendment application.
6 Our first speaker will be the manager of the waste
7 management and recycling program at the State Planning
8 Office, George MacDonald, who will discuss the state policy
9 implications of the West Old Town landfill project. Mr.
10 MacDonald will be followed by Don Meagher, the manager of
11 planning and development for Casella Waste Systems, and Don
12 will provide a project overview. Don also will discuss the
13 licensing process to date, recycling opportunities presented
14 by the project, and the proposed community benefits
15 agreements for the Town of Alton and the City of Old Town.
16 Don will be followed by Peter Maher, no relation, who is the
17 vice-president of Sevee & Maher Engineers. Sevee & Maher is
18 the principal engineering firm for the project, and they
19 designed the facilities not only for this amendment
20 application but for the facilities approved back in 1993.
21 By the way, many of the experts who worked on this
22 application back in '92 or '93 are working on the project
23 for amendment and here today. Peter will be followed by our
24 final speaker, John Sevee, who is the president of Sevee &
25 Maher. John will discuss the hydrogeology of the site and

1 water quality monitoring issues. Before I introduce George
2 MacDonald, I would like to briefly introduce the other team
3 members that are here today so that if you have questions on
4 a particular topic, you will know who is here and their
5 respective areas of expertise. As I introduce them -- and
6 I'm going to do this alphabetically -- I'm going to ask them
7 to stand so you can see who they are. First is David Adams.
8 David is a civil engineer with Sanborn, Head & Associates, a
9 consulting firm located in both Vermont and New Hampshire.
10 David assisted on the design of the gas management system
11 for the amendment application. He earned his Bachelor's
12 Degree in mechanical engineering from the University of
13 Vermont and a Master's in civil engineering from Colorado
14 State. He has 12 years of experience. Mike Booth. Mike is
15 the senior project manager and project engineer with Sevee &
16 Maher and was one of the principal engineers for the
17 amendment application. Mike is a licensed civil engineer
18 and a graduate of University of Maine. He was 24 years of
19 experience. Next is Jim Chabot. Jim is a licensed civil
20 engineer with Sanborn, Head. Again, Sanborn, Head is the
21 principal engineer of the gas management system for the
22 amendment application facilities. Jim has a degree in civil
23 and environmental engineering from the University of Rhode
24 Island and over 15 years of experience with solid waste
25 projects. Bill Eaton. Bill is a licensed professional

1 engineer with a special expertise in traffic engineering.
2 Bill has over 30 years of experience. Bill provided the
3 traffic assessment for the project. He earned both a
4 Bachelor's and a Master's Degree in civil engineering from
5 the University of Maine. Tom Gilbert is the environmental
6 compliance manager for Casella in Hampden. He is a
7 certified landfill manager through the Solid Waste
8 Association of North America. Tom has over 25 years of
9 experience. Dennis Jud. Dennis is a principal with SMRT
10 Architects, Engineers, and Planners in Portland. Dennis is
11 a landscape architect and planner with over 20 years of
12 experience. Dennis conducted the visual impact analysis for
13 this project, also the visual impact analysis for the
14 original West Old Town landfill project back in '92, '93.
15 Dennis earned a Bachelor of landscape architecture and a
16 Bachelor of Science in environmental studies both, magna cum
17 laude, from the State University of New York and Syracuse
18 University respectively. John Lortie. John is the
19 president of Woodlot Alternatives located in Topsham, Maine.
20 John is a professional wetland scientist, certified wildlife
21 biologist, an accomplished botanist, and an avian expert.
22 John earned a Bachelor of Science in wildlife biology from
23 the University of Maine and has over 20 years of experience.
24 He conducted the principal assessments of wildlife,
25 wetlands, and potential rare and endangered species for this

1 site. Martha O'Brien. Martha O'Brien is the director of
2 field and laboratory services of Odor Science & Engineering
3 in Bloomfield, Connecticut. Martha and her company helped
4 design the odor control measures for the amendment
5 application. She has over 19 years of experience in odor
6 control and has worked on multiple landfill sites throughout
7 the country. She earned a biology degree from St. Anslem's
8 College and a Master's Degree in public health and
9 environmental health from the University of Massachusetts.
10 Rich Wardwell. Rich Wardwell is both a PhD and a licensed
11 professional engineer in geotechnical and groundwater
12 engineering. He has over 30 years of experience dealing
13 with geotechnical and groundwater engineering issues. For
14 the amendment application Dr. Wardwell has worked on
15 landfill stability related to the height increase. He has
16 worked on the West Old Town landfill since 1999. Dr.
17 Wardwell earned a civil engineering degree from the
18 University of Vermont, his Master's Degree in geotechnical
19 engineering from the University of Maine and his Doctorate
20 in geotechnical and groundwater engineering from Colorado
21 State. Finally, Eric Wood. Eric is our noise expert for
22 the amendment application. Is he a principal with Acentech,
23 Incorporated located in Cambridge, Massachusetts. He has o
24 ver 30 years of experience providing acoustical and noise
25 control engineering services for projects worldwide. Eric

1 earned his degree in mechanical engineering from the
2 University of Hartford and has done advanced study on noise
3 and acoustical issues at RPI and Northeastern. These
4 engineers and scientists, along with those that I'm about to
5 introduce and will give our formal presentation, have over
6 300 years of combined experience that Casella has brought to
7 bear on this amendment application. These professionals
8 have designed a project that meets or is superior to all
9 applicable environmental standards that Paula has laid out
10 for you for this project, and they'll be protective of both
11 the environment and human health. With that introduction,
12 let me next introduce our first speaker, who is representing
13 the applicant, State Planning Office, George MacDonald.
14 George has nearly 20 years of direct experience with solid
15 waste management and recycling programs having served at
16 both municipal and state levels as well as having been
17 employed with the private sector. He earned a Bachelor's of
18 Science Degree in plant and soil science from the University
19 of Maine. He is currently the program manager for the State
20 of Maine's waste management and recycling program, which is
21 part of the State Planning Office. George.

22 MR. MACDONALD: Good morning, Commissioner
23 Gallagher, people here. I am George MacDonald. I manage
24 the waste management recycling program at the State Planning
25 Office. I'm here today on behalf of Martha Freeman, the

1 director of State Planning, who is unable to attend due to a
2 prior commitment. I am here today to present how this
3 project fulfills longstanding state policy, policy that was
4 adopted by the Legislature, that requires the state to
5 provide for the development for solid waste disposal
6 facilities sufficient to meet the needs for municipal solid
7 waste management and special waste management needs for the
8 state for all geographical areas of the state. The landfill
9 site in Old Town offers the state with a unique opportunity
10 to meet its obligation appropriately. It's a big
11 obligation. Every day Mainers generate over 5,000 tons of
12 solid waste. In the late 1980s the state adopted a
13 hierarchy of solid waste management practices. They are to
14 reduce the volume and toxicity of solid waste, reuse,
15 recycle, compost, incinerate for energy recovery and volume
16 reduction, and landfill. Landfill, the last management
17 option but the one that supports the rest of the hierarchy.
18 State policy as described in statute says, and I quote, the
19 Legislature finds that environmentally suitable sites for
20 waste disposal are limited supply and represent a critical
21 natural resource, end quote. Landfills are necessary in
22 furnishing appropriate solid waste and special waste
23 management needs. It is state policy to provide for
24 in-state disposal for the waste we generate in Maine, and
25 that responsibility rests with the State Planning Office.

1 With the purchase of the West Old Town landfill, an existing
2 operating landfill that is in compliance with DEP's
3 regulations on landfill siting, management, and operation,
4 we have a tremendous opportunity to meet our waste disposal
5 capacity obligation. The landfill is located on a high
6 quality site. Such sites are in short supply, and as the
7 Legislature has stated, represent a critical natural
8 resource. Who better to own this critical resource of state
9 significance than the state? The site was developed by Fort
10 James after an exhaustive search of the region and has
11 received waste since 1996. The state conducted a baseline
12 study of the facility and a review of the operation to
13 determine a level of confidence prior to completing the
14 selection process for an operator. Through planned
15 operations at the site the landfill will serve the solid
16 waste disposal needs of the state well into the future.
17 Because of the opportunity it presents to the state, the
18 Legislature last spring passed a resolve authorizing the
19 landfill purchase. Let me briefly explain why this
20 application was an amendment to the existing landfill
21 license. Chapter 400 of the DEP Solid Waste Management
22 Regulations makes a clear and unambiguous distinction
23 between an amendment and an expansion of the landfill and
24 the definition of each of these terms. I quote, an
25 application to increase the approved final elevations at

1 solid waste landfills must be processed as a licensed
2 amendment application, end quote. In contrast, a landfill
3 expansion only occurs when the applicant proposes to, and I
4 quote, dispose of solid waste beyond the horizontal
5 boundaries previously licensed by the Department for solid
6 waste disposal, end quote. Because the application that is
7 being reviewed by the DEP does not increase the footprint of
8 the landfill disposal area, it is an amendment to the
9 existing license and not an expansion. This is the way DEP
10 regulates all applications of this type and has for several
11 years. Here are some additional benefits for the landfill
12 acquisition. The state is obtaining the property without
13 any expenditure of state funds. All future development
14 costs of the site will be borne by the operator, Casella
15 Waste Systems. The landfill is currently operating with the
16 capacity for additional waste disposal. The need for the
17 state to develop a so-called green field site for disposal
18 capacity, such as Carpenter Ridge, is postponed. We've
19 placed a ceiling on landfill tipping fees. This makes solid
20 waste disposal rates more predictable for Maine communities
21 and businesses. We limited the kinds of waste coming into
22 the landfill. Casella may only bring in an acceptable
23 waste. Hazardous wastes are not acceptable wastes. They
24 may not bring in wastes generated outside of Maine. The
25 landfill will be operated without preference for or any

1 privilege to any solid waste hauler. Casella is accepting
2 full environment liability for the site, including for past
3 activities, and Casella must operate the landfill in
4 accordance with all applicable DEP regulations.

5 Georgia-Pacific is receiving the value of the acquisition
6 for reinvestment in the Old Town mill. They will install a
7 biomass power plant to help the mill become more
8 economically competitive in the industry. Casella will
9 provide Georgia-Pacific with 100,000 tons of biomass fuel a
10 year primarily from an increase in construction and
11 demolition debris processing. This is an opportunity
12 eagerly supported by communities throughout the state. The
13 landfill acquisition helps keep the Georgia-Pacific mill up
14 and running, too, which is a benefit to the city, the
15 region, and the state. The landfill will continue to
16 provide the company with long-term disposal capacity to meet
17 the needs of its mill in Old Town. Maine towns will receive
18 benefits from the purchase as well. The 160 communities who
19 have an ownership in the PERC incinerator will receive
20 continued stable and competitive disposal rates for the
21 plant's residue streams. The landfill operator has proposed
22 a series of benefits for Old Town and Alton as well as for
23 abutters. Casella will work with towns to help with
24 increasing recycling and composting activities and
25 opportunities. This includes Casella's commitment to

1 implement a glass recovery operation producing a marketable
2 container and developing an electronic waste recovery and
3 recycling program. Finally, the state acted professionally,
4 fairly, and in the best interest of Maine people, companies,
5 and communities in acquiring this landfill. We conducted a
6 Request for Proposals process to select a technically
7 qualified and financially capable company as its operator.
8 It's this process that resulted in the selection of Casella
9 Waste Systems. For the people of Maine the acquisition of
10 the West Old Town landfill fulfills a state obligation to
11 provide solid waste disposal capacity. It also provides us
12 with strong opportunities for increased recycling and
13 composting and for reducing the toxicity of solid waste
14 delivered to disposal facilities. Not only does this
15 landfill purchase help the economy of Maine in the Old Town
16 region, it's good for our environment. This landfill is a
17 win-win for Maine.

18 MR. DOYLE: Thank you, George. Our next
19 speaker is Don Meagher, who is the manager of planning and
20 development with the eastern division of Casella Waste
21 Systems. Don earned a Bachelor's Degree in biology from
22 Beloit College and a Master's Degree in regional planning
23 from the University of Pennsylvania. He has over 30 years
24 of experience in planning and development issues. Don.

25 MR. MEAGHER: Thank you, Tom. Good morning,

1 Commissioner Gallagher, others in attendance here today.
2 For the record again, my name is Donald Meagher. I'm a
3 resident of Bangor, and I'm the manager of planning and
4 development for Casella's eastern division. In order to
5 provide an overview of our application that is under review
6 by the DEP and to introduce our presentation of the project
7 I'm going to summarize the history of the process to date.
8 Almost exactly one year ago Georgia-Pacific announced that
9 it was shutting down and removing two paper machines at its
10 mill in Old Town. The immediate result was the loss of 450
11 local jobs and on a longer term placing the future of the
12 remaining mill operations and jobs at risk. This was, of
13 course, grim news for the individuals being laid off and for
14 their families. The broader implications were the tax base
15 and the economy of the City of Old Town, for the region, and
16 for the state were also very negative. Governor Baldacci
17 immediately intervened and within a very short period of
18 time established a plan to pursue Georgia-Pacific to reverse
19 its decision. The centerpiece of the Governor's plan was
20 for the state to purchase the Georgia-Pacific existing
21 landfill and for Georgia-Pacific to use the proceeds from
22 the sale to install a biomass electrical generating facility
23 as one step to dramatically reduce the mill's operating
24 expenses and to make it more competitive. G-P agreed to
25 retain one of the two paper machines and to keep many of the

1 jobs which had been eliminated. Legislation was needed for
2 the state to purchase the Georgia-Pacific landfill and to
3 convert it into a state-owned facility. George MacDonald
4 has explained how this approach was consistent with state
5 solid waste policy dated back to 1989. On June 3, 2003 the
6 Legislature's Joint Standing Committee on Natural Resources
7 held a public hearing on a Resolve authorizing the state to
8 purchase the Georgia-Pacific landfill and to direct the
9 State Planning Office to initiate a competitive bid process
10 to select a landfill operator. On June 4, 2003 the Natural
11 Resources Committee conducted a work session on the Resolve.
12 The Resolve was approved unanimously in the Maine Senate and
13 by a very wide, bipartisan majority in the House and signed
14 into law by the Governor. In short, the Resolve authorizing
15 this project was enacted by the very same process that is
16 used for all other pieces of legislation. There were no
17 shortcuts. June 13, 2003 the State Planning Office issued a
18 Request for Proposals with full public notice that described
19 in detail how the West Old Town landfill would be developed
20 and utilized as a state-owned landfill and the experience
21 and performance requirements and obligations that would have
22 to be met by the selected operator. In particular, an
23 increase in height and additional waste streams the facility
24 would be licensed to accept were fully described in the RFP.
25 On June 9, 2003 Casella submitted its proposal in response

1 to the RFP, and on August 18, 2003 the State Planning Office
2 selected Casella as the operator for the West Old Town
3 landfill. No appeal was filed on that decision by the State
4 Planning Office. The first step in the DEP permitting of
5 this facility was the transfer of the existing landfill
6 license from Georgia-Pacific to the state. This application
7 was submitted to the DEP on September 26, 2003, with public
8 notice in the Bangor Daily News and by certified mail to
9 owners of property abutting the 780-acre landfill parcel.
10 No written comments or requests for public hearing were
11 submitted on this application, and the license transfer was
12 approved by the DEP on October 21, 2003. The second step in
13 the DEP permitting was the submission of an amendment
14 application on October 30, 2003, again with public notice in
15 the Bangor Daily News and by certified mail to abutters.
16 The previous speaker has explained why this application was
17 an amendment and not an expansion. Since we submitted the
18 application to the DEP back in October of last year there
19 have been numerous opportunities for public notice and
20 public involvement beyond those that I've already mentioned,
21 and I'll just list those. On October 16, 2003, a public
22 meeting with the Old Town City Council. December 8, 2003,
23 meeting at the DEP Bangor office with representatives of
24 Alton, Bangor Brewer, Hampden, Eddington, Bradley, Hermon,
25 Orono, Veazie, Old Town, and Maine Department of

1 Transportation in attendance to discuss proposed local haul
2 routes for the landfill. December 9, 2003, a public meeting
3 with the Alton Board of Selectmen. The December 16, 2003,
4 meeting in Brewer with municipal officials to discuss local
5 haul routes. January 21, 2004, public informational meeting
6 in Old Town sponsored by the state. February 12, 2004, a
7 meeting held by Casella in Old Town to meet with landfill
8 abutters. February 24, 2004, DEP public informational
9 meeting at the Ramada Inn in Bangor. February 28, 2004, a
10 second meeting held by Casella in Old Town again to meet
11 with landfill abutters, and, of course, we have the sessions
12 here today and tomorrow. I think it's important to note
13 that all of these opportunities for public input that I have
14 described on this project go beyond what is required by
15 Maine law for public input and public notice. In addition,
16 throughout this process there has been the opportunity to
17 submit written comment, and we have responded to those
18 written comments that have been forwarded to us. I would
19 like to briefly touch on the community and neighborhood
20 benefits that we have agreed to as part of this project.
21 Initially in our proposal to the state in response to the
22 Request for Proposals we had offered a per ton host fee for
23 the City of Old Town and some direct benefits, including a
24 property value guarantee for the two property owners at the
25 entrance to the facility. Although we are not required to,

1 since it is addition to what we had proposed to the state in
2 response to the RFP, we have since voluntarily agreed to
3 substantially expand those initially proposed benefits. We
4 are willing to provide a host fee to the Town of Alton as
5 well even though Alton is not, as defined in statute, a host
6 community. We are willing to provide some level of free
7 disposal for both the City of Old Town and the Town of
8 Alton. We are willing to greatly expand the list of
9 homeowners who would be offered a property value guarantee.
10 This is not a complete list of the community and
11 neighborhood benefits, but in total the financial value of
12 those benefits over the 30 year life of project will likely
13 equal or exceed the purchase price of the landfill. In
14 addition, landfill construction costs for this amendment
15 application will be about 36 million dollars, certainly a
16 major project for the local economy. In my introduction
17 here I focused on the landfill because that, of course, is
18 the subject of the amendment application being reviewed by
19 the DEP, but before I turn the podium back to Tom, I just
20 wanted to briefly mention that our proposal to the state
21 back last summer went well beyond just the landfill in terms
22 of advancing Maine's solid waste policy. We also included a
23 commitment to provide a number of what are really exciting
24 initiatives that will provide dramatically expanded
25 recycling opportunities for towns and cities throughout

1 Maine. We will be working on creating recycling outlets for
2 waste streams that are currently difficult to recycle right
3 now, such as glass, electronic components, such as computers
4 and televisions, and construction and demolition debris
5 wood. Municipally based organizations such as the Municipal
6 Review Committee will be working in partnership with us to
7 implement these recycling initiatives. As a company and for
8 me personally we take our responsibilities as a landfill
9 operator very seriously. We are absolutely committed to
10 being a good neighbor, working cooperatively with the City
11 of Old Town and Alton and with people living around the
12 landfill. Casella made that very same commitment when it
13 purchased the landfill in Hampden in 1996, and I believe
14 that if you ask the Town Manager in Hampden, the Hampd
15 en Town Council, and even the residents living close to the 16
Hampden landfill, they will confirm that we have honored
17 that commitment. We also want to be fully responsive to any
18 concerns that occur at the West Old Town landfill just as
19 soon as they occur. In order to do that we will have a 24
20 hour a day, 7 day a week landfill complaint line that will
21 be answered by a real person, and that complaint will be
22 responded to properly. I'll now turn the microphone back to
23 Tom Doyle.

24 MR. DOYLE: Next is Peter Maher, vice
25 president of Sevee & Maher Engineers. Peter is going to be

1 discussing the site selection, design, and operational
2 aspects of the facilities that are part of the amendment
3 application. Pete is a licensed professional engineer in
4 Maine and Ohio. He earned his Bachelor's Degree in civil
5 and environmental engineering from Clarkson University and
6 his Master's Degree in resource utilization from the
7 University of Maine. He has over 30 years of professional
8 engineering experience. Pete.

9 MR. MAHER: Thank you, Tom, Commissioner
10 Gallagher, DEP staff, and the public. In early 1990 Sevee &
11 Maher Engineers was contracted by James River Corporation,
12 the predecessor to Georgia-Pacific to select a new landfill
13 site which met the recently enacted 1989 criteria of the
14 newly-adopted Maine Solid Waste Management Rules. Since
15 that time we've been the lead engineering firm on both the
16 design and construction of the West Old Town landfill.
17 Today I will first briefly describe some of the site
18 history, and, secondly, I'll describe the State of Maine's
19 immediate landfill plans, which are the subject of this
20 public meeting. James River hired Sevee & Maher Engineers
21 to conduct a scientific site selection process in early
22 1990. It was a scientific site selection process because it
23 used a systematic and documentable process for site
24 identification, site review, site investigation, and
25 ultimately site selection. At that time 58 potential

landfill sites were investigated prior to the ultimate selection of the Old Town property. Environmental suitability was the primary driving force for site selection. The site design and permitting process lasted several years, and the first landfill cell was constructed in 1996. Landfill operations began in December of 1996. I'm going to refer to some graphics up on the wall here for the rest of my presentation, and some of these graphics are also shown on some of the posters around the areas of the room here. The landfill itself is located in West Old Town and it is situated within a relatively large triangle of land bordered by the Alton, Old Town town line, the Interstate 95 and Route 43. This triangle is shown on this figure up here. The landfill itself comprises about 68 acres, situated within almost the center of the triangle, and it is located on a 780-acre parcel of land, which is now owned by the State of Maine, previously owned by Georgia-Pacific. The permitted landfill footprint is located approximately three-quarters of a mile from the Alton town line, approximately one-third of a mile from Route 43, and approximately two-thirds of a mile from Interstate 95. Access to the landfill is provided by a two-mile long gravel road which accesses the site from Route 16. The nearest surface water is 300 feet or more away. It is located along the western side of the landfill. The

1 nearest residence is approximately 1,500 feet away on Route
2 43. The site was selected back in 1990 because of its
3 advantageous geology and hydrogeology. The soils underlying
4 the site are up to 75 feet thick. They consist of dense,
5 low permeability glacial tills. These soils are
6 advantageous because they provide a stable base for a
7 landfill, and they also provide a natural barrier to the
8 movement of groundwater beneath the site. This graphic
9 shows a typical section through the landfill and the
10 underlying soils. In the lower elevations of the site the
11 groundwater moves in an upward direction. This provides
12 natural protection to the deeper groundwater in the vicinity
13 of the landfill. Finally, the topography which surrounds
14 the site hydraulically isolates it from the residents on
15 Route 43, who use groundwater as a potable drinking water
16 source. These naturally occurring, favorable geologic
17 features combined with the relative remoteness of this site
18 were the primary reasons why it was selected in 1990. The
19 permitted landfill footprint occupies 68 acres of the
20 780-acre parcel. The landfill was originally permitted to a
21 maximum height of 70 feet, and the permitted volume of the
22 landfill was approximately 3.3 million cubic yards, of which
23 about 350,000 cubic yards have been used to date. Beyond
24 the naturally occurring protective geology and hydrogeology,
25 this landfill was permitted as a secure facility. This

1 means that every bit of precipitation which falls onto the
2 site will be selected and treated. Above that or beyond
3 that a three-barrier liner system has been constructed to
4 protect the environment from the wastes being deposited into
5 the landfill. This three-barrier system is comprised of 24
6 inches of compacted glacial till, a geosynthetic clay liner,
7 and a high density polyethylene liner. Beneath the
8 three-barrier system is a clean groundwater underdrain, and
9 above it is a leachate collection system. This graphic
10 shows a three-dimensional view of the liner system. That's
11 shown over there, I believe, and a full size to scale
12 reproduction of the liner system is shown in this six or
13 seven-foot tall poster on the left. The amendment to the
14 existing permit application which is before the Department
15 requests various changes to the permit which was issued to
16 James River, a subsidiary of Georgia-Pacific, and was
17 recently transferred to the State of Maine. For this
18 amendment application there is no proposed increase in the
19 horizontal boundaries of the landfill and no solid waste
20 will be disposed beyond the already permitted landfill
21 footprint. The changes which have been requested include
22 the addition of new waste streams, the addition of capacity
23 to a maximum number of 10 million cubic yards, and several
24 design changes. The new solid waste streams will increase
25 the amount of waste taken to the landfill from approximately

1 50,000 tons per year to approximately 500,000 tons per year.
2 All of the waste streams are nonhazardous and will include
3 construction and demolition debris, front-end process
4 residue, oversized bulky waste, municipal solid waste, ash
5 and sludges. The major design changes which are proposed
6 include the addition of an enclosed 900,000-gallon leachate
7 holding tank, which will store leachate prior to its
8 transport back to the mill for treatment. This tank will
9 replace the existing leachate storage pond as the primary
10 leachate storage structure. Use of the tank as opposed to
11 the pond will eliminate odors from the storage of leachate
12 in an open pond. The second design change will be the
13 installation of an active gas management system, which will
14 collect and burn landfill gases using a flare. The
15 collection of gases will minimize odors generated at the
16 facility and possibly provide a power source for the
17 generation of electricity in the future. There will be
18 additional paving to the access road near the entrance. The
19 purpose of this design change was to minimized the amount of
20 dust created near Route 16. An increase in the final height
21 of the landfill, which will provide for the capacity
22 increase from 3.3 million cubic yards to approximately 10
23 million cubic yards. The amendment requests an increase of
24 120 feet to the landfill's maximum elevation. The landfill
25 will continue to be developed and operate in a sequential

1 manner by constructing and operating a total of 11 landfill
2 cells. The first eight cells will be constructed and
3 operated at the ground surface and will be approximately 8
4 to 9 acres in size. The development of each of these cells
5 will include excavating to the base grades and construction
6 of landfill dikes and installing the underdrain liner and
7 leachate construction system over the base of the landfill.
8 The remaining three cells are operational cells and will be
9 constructed over the top of these base cells. This figure
10 shows the location and positioning of each of those 8 base
11 cells within the footprint of that 68-acre landfill.

12 Depending on the amount of waste delivered to this site,
13 each cell may be split into smaller operational cells. Once
14 a cell has been filled an intermediate and final cover
15 system will be placed on the waste materials within the
16 cell. The final cover will be placed on the outer waste
17 slopes, and the intermediate final cover will be placed on
18 the area where additional waste filling will occur as part
19 of future landfill development. The use of intermediate
20 cover minimizes the creation of leachate from precipitation
21 which will otherwise fall onto the waste. The site will be
22 normally operated from 6:00 A.M. to 8 P.M. Monday through
23 Friday. On Saturday and Sunday the site will be open from
24 8:00 A.M. to 4:00 P.M. Some of the waste streams require
25 service outside of these normal operating hours, such as

1 PERC ash. Waste

2 will be delivered to this site throughout the State of Maine.

3 Various routes to this site may be used, all of which

4 legally accept vehicles carrying loads of up to 100,000

5 pounds. Less heavily loaded vehicles will use Interstate

6 I-95, which has an 80,000 pound weight limit. This graphic

7 isn't very readable from there, but there's one over here

8 which shows that there are several different possible routes

9 which could be used to get to this site. In conclusion, the

10 West Old Town landfill site, its design, and operations meet

11 or are superior to the criteria in Maine Solid Waste

12 Management Rules. Thank you.

13 MR. DOYLE: Thank you, Pete. Our final
14 speaker this morning is John Sevee, who is going to discuss
15 the hydrogeologic and water quality monitoring issues

16 related to the site. John is the principal geologist for

17 the project and was the original geologist working on the

18 project some 12 years ago when West Old Town landfill was

19 originally licensed. He has over 33 years of experience in

20 the area of geotechnical engineering, groundwater

21 engineering, and hydrogeology. John earned his Bachelor's

22 and Master's Degrees in civil and geotechnical engineering

23 respectively from the University of Vermont. He also earned

24 a Bachelor's Degree in physics from the University of

25 Southern Maine. John is a certified geologist in the State

1 of Maine and a licensed professional engineer in eight
2 states, including Maine. John.

3 MR. SEVEE: Thank you, Tom. Good morning,
4 everyone. As Tom indicated, my name is John Sevee. I have
5 been involved with the West Old Town landfill since the
6 early 1990s, when the site was first identified by James
7 River as a suitable landfill site. The natural setting of
8 the West Old Town landfill site, as Peter Maher explained,
9 consists of a thick deposit of glacial till overlying
10 bedrock. The glacial till has a relatively low
11 permeability, resulting in slow groundwater movement and
12 limiting the ability of the foundation soils to transport
13 significant quantities of groundwater similar to that of a
14 clay soil. The hydrogeologic setting was investigated in
15 detail in the early 1990s using a suite of geological tools,
16 including borings, coring samples, shear strength testing,
17 geophysics, piezometers, and monitoring wells, hydraulic
18 conductivity testing, grain size testing, and chemical
19 analysis of waste groundwater and surface water. A total of
20 40 borings were drilled within the proposed landfill
21 footprint at the time and have subsequently been
22 supplemented by additional borings. The foundation soils
23 were further investigated for thickness, continuity,
24 lithology, and structure using 50 backhoe-dug test pits.
25 Groundwater conditions were studied using at least 80

1 monitoring wells and piezometers. Bedrock depth and
2 integrity were investigated with over two miles of seismic
3 refraction profiling. Photolineament mapping and outcrop
4 fracture examination were carried out to identify and
5 catalog fractured patterns in the bedrock. Over 100
6 hydraulic conductivity tests were performed in order to
7 measure the permeability of the soil in the bedrock. These
8 methods of investigation are state-of-the-art for landfill
9 hydrogeologic techniques, and their scope is not affected by
10 landfill type or waste type. The information collected
11 during the hydrogeologic studies confirm that the West Old
12 Town landfill site meets the MDEP siting criteria for solid
13 waste landfills. Groundwater flow directions and rates were
14 carefully studied, and groundwater is shown to remain local
15 to the site; that is, groundwater flowing beneath the
16 landfill is forced to migrate upward at lower site
17 elevations and, therefore, does not enter the regional
18 off-site groundwater. This is a result of the natural
19 topography and geologic setting and was a key feature in
20 selecting this as a suitable landfill site. This natural
21 setting protects the groundwater wells of abutters to the
22 landfill from being impacted by activities at the landfill
23 facility. Thus, the groundwater of residents along Route 16
24 and 43 is protected by this natural setting. The low
25 permeability of the tills and bedrock also protect surface

1 waters by limiting the ability of these soils -- the soils
2 and bed look to transmit significant volumes of groundwater
3 into any of the streams. Groundwater travel to surface
4 waters were found to meet MDEP requirements and demonstrate
5 that the facility does not pose an unreasonable threat to a
6 sensitive receptor. The investigations have further
7 demonstrated that the site is geologically stable and
8 capable of supporting the landfill. The landfill liner
9 system that Peter Maher described, which underlies any waste
10 placed within the landfill is the primary barrier protecting
11 groundwater and surface water. As he pointed out, the liner
12 system consists of a composite of plastic, clay, and
13 bentonite that keep leachate from migrating away from the
14 waste and into the environment. Thus, there is redundancy
15 in protecting the environment by three separate liner
16 elements working in conjunction to contain the waste and
17 leachate. However, as with any modern solid waste landfill,
18 the landfill's performance and operations have been
19 routinely monitored over the last eight years as a further
20 safeguard toward protection of the groundwater and streams.
21 This has been accomplished through a network of monitoring
22 wells and surface water sampling locations positioned around
23 the entire facility. Water quality information was
24 collected prior to the landfill development to provide
25 background to compare and identify changes in water quality.

1 Furthermore, there are upgradient and downgradient sampling
2 points for comparison of water quality from any particular
3 sampling location or event. Since 1991 over 16,000
4 individual chemical analyses have been performed on water
5 samples collected at the site, which has included a wide
6 variety of chemical compounds potentially present in
7 leachate and waste being brought to the landfill. Site
8 monitoring data has collectively shown that the stream
9 quality adjacent to the landfill has not been adversely
10 impacted as a result of the landfill's presence. Surface
11 water quality is not only measured in the stream to the
12 southwest but is also in the wetland areas and ditches along
13 the landfill's access roadway. Surface water quality
14 remains at predevelopment quality with no signs of adverse
15 impacts or contamination from the landfill operations or
16 waste placement. No groundwater contamination is observed
17 in the groundwater quality data nor any of the -- nor have
18 any water quality standards been violated as a result of the
19 landfill's presence. Three groups of groundwater experts
20 working independently have reviewed the water quality data
21 at the site and have not found evidence of water quality
22 issues other than some subtle changes associated with
23 routine landfill construction and operations. Monitoring of
24 groundwater levels has shown that the groundwater depths
25 outside the landfill has not changed since the landfill's

1 construction. The direction of groundwater flow and the
2 areas of groundwater discharge remain the same as before the
3 landfill's construction. As part of the transfer of the
4 landfill ownership to the state, the DEP carefully reviewed
5 the water quality data for the entire landfill site. As a
6 result of this scrutiny the DEP sought to confirm the
7 observed water quality and its relationship to the
8 landfill's line of performance resulting in additional
9 investigations being conducted in the vicinity of the
10 leachate lagoon and the downgradient toe of the landfill
11 cell constructed eight years ago. This investigation
12 concluded that the landfill liner is intact and operating as
13 designed. This finding is corroborated by the water quality
14 and the underdrain beneath the existing landfill liner.
15 This information demonstrates that existing landfill liner
16 is not leaking. The recent DEP investigation also has
17 demonstrated that the groundwater monitoring network is
18 performing properly and is useful in identifying even very
19 subtle changes in groundwater quality that are the result of
20 operating and features outside the landfill such as in the
21 area of the roadways. Operational changes will be made by
22 the new operator as a result of these recent DEP
23 investigations? Groundwater and surface waters will
24 continue to be monitored throughout the landfill's
25 operational life and beyond. New monitoring wells will be

1 added to the current network after approval of the amendment
2 applications. Monitoring events will occur three times a
3 year, and reports of those events will be submitted to DEP.
4 The monitoring well network will continue to act as an early
5 warning detection system in the unlikely event of leakage
6 from the landfill's composite liner system. The graphic I
7 have behind me here shows as dots and triangles -- I know
8 they're probably hard to see from any distance -- the
9 location of monitoring points that surround the landfill.
10 Data from the landfill's underdrain will back up and support
11 monitoring of the liner leakage. Along with this early
12 warning monitoring system, the low permeability of the
13 underlying soils provides adequate time to implement any
14 necessary remediation if any unforeseen changes in water
15 quality occur. The hydrogeologic setting, that is, the low
16 permeability soils and the upper groundwater seepage creates
17 a setting where remediation can be quickly and easily
18 accomplished. Thus, although we do not anticipate any
19 problems with the landfill liner design and performance,
20 there is a monitoring procedure in place that will protect
21 the groundwater and surface waters in the future. Thank you.

22 MR. DOYLE: Commissioner, that concludes our
23 overview presentation. I think we were allotted an hour and
24 15 minutes. I said we'd would be about an hour. I think we
25 were about 50 minutes, so we were well below the deadlines.

1 I would like to reserve five minutes before the close of
2 this public meeting over the next 15 hours of public comment
3 opportunity for some closing comments on behalf of Casella.
4 Thank you.

5 MR. BURSON: As I understand it then, the
6 next item on the agenda is listed as questions and answers.
7 I would point out is that this part of the program is
8 designed so that if any members of the audience or public
9 have specific questions that are related to what's just been
10 presented, you may ask them. This is not yet the time for
11 public comment. My co-facilitator and I will feel free to
12 stop you if people start making speeches rather than asking
13 questions, and we're pretty good at telling the difference
14 between a real question and one which is an excuse for a
15 speech. If you have questions of any member who has spoken
16 thus far or any representative of the Department may be able
17 to answer, now is the time to do that. You don't need to
18 have signed in already in order to ask a question.
19 Basically we'll take those on a first come, first serve
20 basis. When we call on you, if you would come up to the
21 front, speak your name and identify yourself, and then we
22 would be happy to let you ask your questions. We have a
23 request from one of our hard-working staff. Our court
24 reporter would very much like it if we could take a brief
25 break. Five minutes.

1 (OFF RECORD)

2 MR. BURSON: As I noted, this is the
3 opportunity for members of the public to ask specific
4 questions of the applicant or the Department. If we don't
5 have enough questions, we will just close this session early
6 because we have advertised that the formal public comment
7 period begins at 3:00. I do not think we can begin that
8 early. If we have questions to take us until 1:00, so be
9 it. Is there a person wishing to ask questions? Yes,
10 please.

11 MS. CLEVELAND: I'm Marcia Cleveland, and I
12 represent the organization, We The People. I have some very
13 specific questions. The first one, I believe is directed to
14 Don Meagher, but if someone feels they want to jump in and
15 answer any of these questions, please feel free. In
16 evaluating the benefit to the towns, you spoke of host fees.
17 You, however, did not mention the fact that when the state
18 acquired the property and it went from private ownership
19 into state ownership it would have been removed from the tax
20 rule. My first question is, am I correct that the 780 acres
21 is now not taxable by the town for real estate; and, if so,
22 what is the lost revenue to the town over the life of the
23 landfill, and did you deduct that from the benefits that you
24 talked about so that what you were talking about was net
25 benefits, not just the host fees?

1 MR. BURSON: I think if persons from the
2 table could respond using that microphone, it would help.

3 MR. MEAGHER: As I said in my remarks, I had
4 not exhaustively listed the community benefits we had
5 proposed, but part of our package for both Old Town and
6 Alton is a payment in lieu of taxes that would otherwise
7 have been paid had it remained in private ownership, and
8 that has not been deducted from the host fee.

9 MS. CLEVELAND: And can you give us an idea
10 of what the amount is? I take it from what you just said
11 that is distinct from what you mean by the term host fees.

12 MR. MEAGHER: Yes, that is correct. I think
13 we had estimated it at the time we submitted our proposal.
14 I don't have the amount of those taxes, but it's what the
15 current taxes are that are being paid with some sort of
16 annual escalator.

17 MS. CLEVELAND: Will those specific numbers
18 be made available soon?

19 MR. MEAGHER: Oh, we can certainly do that.

20 MR. BURSON: If I could interrupt for a
21 moment. Maybe it would be a good point if when members of
22 the public ask for information which is not immediately
23 available and you say, of course we can make that available,
24 can we try to be a little more specific when and where that
25 information will be made available?

1 MR. MEAGHER: As soon as I can determine from
2 both the City of Old Town and the Town of Alton municipal
3 clerks what the current property taxes had been for the last
4 tax year, I will provide that.

5 MR. BURSON: And how would those be made
6 available, Tom? Do you have an answer to that?

7 MR. DOYLE: Well, I actually was going to
8 introduce George. He had something to add to the response.

9 MR. MACDONALD: I believe it is \$80,000 for
10 the City of Old Town, the value of the property that will be
11 paid in lieu of taxes by Casella to the City of Old Town.
12 For the Town of Alton I believe for that property it's
13 somewhere in the range of \$50 to \$100.

14 MS. CLEVELAND: And is that per year for the
15 life of the landfill?

16 MR. MACDONALD: That is per year for life of
17 the facility for each of the communities.

18 MS. CLEVELAND: Okay. Second question, which
19 is at least tentatively addressed to Peter Maher. The
20 three-barrier system that you showed on the slide and which
21 is on some of the posters in the back of the room, is that
22 the system for the new cells or does that accurately
23 describe the existing cells? A subpart of that question is
24 I am assuming that in increasing the elevation of the
25 landfill you will be increasing the elevation above the

1 existing cells in the landfill as well as above the new
2 ones.

3 MR. MAHER: The graphics and a discussion on
4 the three-barrier system describes the proposed liner
5 system. The only difference between the proposed and the
6 existing liner beneath the approximately 15 acres which have
7 been constructed to date is that under the proposed liner
8 there is going to be two feet of compacted clay to a
9 permeability of 1×10^{-7} centimeters per
10 second. Under the existing landfill there is a -- two feet
11 of compacted glacial till, which had an average permeability
12 of 1.7×10^{-6} centimeters per second.

13 MS. CLEVELAND: Otherwise the design is
14 exactly the same, including the materials being used for
15 liners and barriers?

16 MR. MAHER: That's correct, I believe. Yes,
17 it is.

18 MS. CLEVELAND: So there hasn't been any
19 improvement in liner material since 1993?

20 MR. MAHER: Not really, no.

21 MS. CLEVELAND: Another question which I
22 think would be John Sevee or you, Mr. Maher. I believe you
23 stated that one of the reasons the site is favorable is that
24 there is an upward gradient at all times. You can correct
25 me if I didn't get that right in my notes. I assume that's

1 based on hydrogeological investigation of the site. My
2 question is, on how many different days did you assess the
3 strength and direction of the gradient to reach that
4 conclusion?

5 MR. MAHER: I will let John answer that
6 question.

7 MR. SEVEE: During the investigatory phase
8 those gradients were probably measured probably in the order
9 of 25 to 50 times. Since then whenever groundwater samples
10 are taken, which is done three times a year, those gradients
11 are assessed each of those times as well. Over the life of
12 the landfill, notwithstanding the investigatory phase, it's
13 three times per year over the last nine years.

14 MS. CLEVELAND: And when you say 25 times, do
15 you mean 25 separate days?

16 MR. SEVEE: 25 separate days or events over a
17 period of approximately two years.

18 MS. CLEVELAND: And that was back in 1993?

19 MR. SEVEE: Starting from around '91 to '93,
20 something like that.

21 MS. CLEVELAND: Of those samples or
22 assessment events, were, in fact, all of them -- did all of
23 them reveal an upward gradient at all sampling locations.

24 MR. SEVEE: There are areas on the site as
25 you move up to the upland areas where the gradients are

1 downward, and then as you get down into the lower elevations
2 the groundwater moves upward. Where groundwater moves
3 upward, the gradients are always upward. Where the
4 gradients are downward, the gradients are downward.

5 MS. CLEVELAND: What portion of the site is
6 always upward of the currently licensed site?

7 MR. SEVEE: Explain to me what you mean by
8 site.

9 MS. CLEVELAND: That's what I was trying to
10 clarify, the area currently permitted, the one that is not
11 expanding.

12 MR. SEVEE: You're referring to the actual
13 landfill footprint?

14 MS. CLEVELAND: Yes, the licensed footprint,
15 not what has been used to date.

16 MR. SEVEE: The upper gradient occupies
17 probably somewhere between -- around 20 percent or so of the
18 landfill footprint, maybe a little less than that.

19 MS. CLEVELAND: And this is a question
20 probably for John Lortie from Woodlot Alternatives. In the
21 original 1993 license there was comment about the wetland to
22 the west of the licensed area, and that comment indicated at
23 that time it was concluded that that was low value habitat
24 but that that could change. In particular, it would change
25 if something such as a beaver dam increased the amount of

1 open water. The question was whether it was high, moderate,
2 or low value waterfowl and wading bird habitat. So I have
3 two questions. The first one is, was the value of that
4 wetland as habitat reassessed for this application for
5 amendment, and, if so, what methodology was used to
6 determine whether it was high, moderate, or low value?

7 MR. LORTIE: First of all, there are not
8 going to be any new wetland impacts. The original impacts
9 were permitted. I'm unsure of which wetland area you're
10 specifically addressing.

11 MS. CLEVELAND: I'm referring to the fresh
12 water wetland immediately to the west of the licensed area.
13 My question really didn't have to do with impacts. It had
14 to do with had you assessed the value of that wetland as
15 waterfowl and wading bird habitat?

16 MR. LORTIE: In the original process, yes.

17 MS. CLEVELAND: But not for this?

18 MR. LORTIE: No additional wetland areas are
19 going to be impacted, so we did not do any additional
20 investigation other than confirmation of the fact that there
21 were no new additional impacts.

22 MS. CLEVELAND: So you did not go through the
23 exercise of determining the value of that wetland for the
24 purpose of this amendment? That's all I'm trying to get to.

25 MR. LORTIE: It wasn't necessary.

1 MS. CLEVELAND: You didn't, in other words.
2 Okay. It's up to the Department to determine whether it's
3 necessary. Thank you very much. That's it for my
4 questions.

5 MS. WALSH: Thank you. The next person that
6 would like to ask a question, could you please come up.
7 Don't forget to state your name and where you're from,
8 please.

9 DR. LOMMLER: My name is Elmer Lommler. I'm
10 from Old Town. Do you want my address?

11 MS. WALSH: If you wouldn't mind just waiting
12 for a moment, can the people in the back hear the podium
13 questions? Okay. Thanks. Go ahead.

14 DR. LOMMLER: I had a couple questions. One
15 question has to with everybody being sworn under oath. I
16 know everybody out here in the audience was sworn under oath
17 and that the oath said that everybody was required to tell
18 the truth. Was the panel also sworn in at that time, or did
19 it occur at a different time?

20 COMMISSIONER GALLAGHER: Same time.

21 DR. LOMMLER: Everybody on all of the tables
22 and that will be speaking today are under oath?

23 COMMISSIONER GALLAGHER: Yes.

24 DR. LOMMLER: The other thing about the oath
25 that I wondered is I've heard people say the oath, do you

1 swear to tell the truth, the whole truth, and nothing but
2 the truth. The whole truth seemed to be left out, and I
3 wondered why.

4 COMMISSIONER GALLAGHER: We can do that. If
5 you want them re-sworn, that's fine with me if it's
6 important for you. It was inadvertent.

7 DR. LOMMLER: Well, my only concern is that,
8 yes, what one can say is true up to a point. It's like the
9 upward gradient. Unless the questions are asked directly as
10 far as how much of this upward gradient is at site -- I
11 think most people were surprised, at least I was, to hear
12 that only 20 percent of that artesian gradient, which was
13 such a great protector from contamination, 20 percent at max
14 is encompassed by that 68-acre footprint. Since we know all
15 those 68 acres are now going to be used, we have 80 percent
16 that were something to happen we don't have that groundwater
17 protection that we had with the artesian area. I guess I
18 would like somebody to comment on that and also on the fact
19 of given the fact if a disaster happened or if a leak
20 occurred in that 80 percent of the landfill footprint,
21 what's the cleanup like, how successful is it likely to be,
22 and what's the impact on the areas around it.

23 MR. SEVEE: There's no requirement that the
24 landfill has to sit on top of an area that has upward moving
25 groundwater gradients. That's not a DEP siting criteria.

1 Secondly, the advantage of this site, as Peter and I both
2 pointed out, is that groundwater that moves beneath the site
3 eventually migrates upward at the lower site elevations.
4 Not all of that groundwater moves upward within the landfill
5 footprint, but the advantage is that it moves upward before
6 it gets out into the regional groundwater system. That
7 particular feature makes it very easy to stand here in front
8 of you and say that the regional groundwater is protected
9 because there's no place else for the groundwater to go
10 other than upward at the lower site elevations. In addition
11 to that, it makes it easy to -- if there were an inadvertent
12 spill at the landfill, the spill would enter the groundwater
13 system, move down to the lower elevation of the site, begin
14 to move upward where it could be collected through
15 collection trenches, wells, or a variety of other
16 engineering systems before it were to get to the ground
17 surface and enter into the surface water environment.

18 DR. LOMMLER: On that point, how would that
19 affect the wetlands that are right in that area? Would it
20 get into the wetlands before something is done about it.

21 MR. SEVEE: It would have no effect on the --
22 the idea would be to prevent it from getting into the
23 wetlands because -- to avoid any impacts, and that could be
24 done because of the geologic setting.

25 DR. LOMMLER: Okay. I guess the next

1 question would be one that I ask is what would it take from
2 a cleanup point of view if in the 80 percent of the landfill
3 that has no upward groundwater flow of water -- what would
4 it take from a cleanup point of view by the time it's
5 detected? Say it was at the farthest most area away from
6 upward groundwater movement.

7 MR. SEVEE: You're asking the question of how
8 long will it take before we observe a leak? I'm not sure I
9 fully understand.

10 DR. LOMMLER: No. Once the leak is detected,
11 and say it is detected at the outermost portion of that 20
12 percent or less that has upward groundwater movement, what
13 would the clean-up procedures be and how simple. As it was
14 said, it would be a very easy thing to pick up or to fix.
15 Is that something that applies to those 20 acres alone or
16 the entire 68 acres?

17 MR. SEVEE: In order -- let's say we detected
18 something at the downgradient monitoring wells. The
19 groundwater is moving in the order of 30, 40 feet per year.
20 So over a period of one year it moves from this end of the
21 building to the next end of the building. In order to
22 implement a strategy to remediate the problem, you basically
23 could implement a strategy within that period of time if you
24 needed to. So there's plenty of opportunity in terms of
25 time before any sort of leak or whatever would move too far

1 before you can collect it and prevent it from getting out
2 into the wetlands or surface water environment or into the
3 regional area.

4 DR. LOMMLER: Okay. My next question would
5 be on the monitoring wells. I guess I'd like to go back to
6 that and say by the time -- since the water is moving
7 slowly, by the time it got to one of your test wells, what's
8 the most land or what's the most area of water that could --
9 of land and water that could be involved were a leak to
10 occur since it moves so slow?

11 MR. SEVEE: I don't know the answer to that.
12 I think I probably ought to interject that I don't
13 anticipate the landfill liner to leak. Like Peter and I
14 pointed out, we have three layers of protection here, and so
15 I just don't anticipate that problem to occur.

16 DR. LOMMLER: Since there has been no new
17 improvements in liner systems, I know there is some
18 information out there that says all landfills leak, which
19 during public comment in the afternoon I'll bring some
20 information on that and the people who have supported that.
21 From that point of view we can expect that in your opinion
22 this landfill liner will last forever?

23 MR. SEVEE: There is a lot of misinformation
24 out there on landfill liner designs and how they perform and
25 so forth, and I think that most people are familiar with the

1 landfills that existed back in the -- before the '60s and
2 the '70s and the Clean Water Act, which were on-line
3 landfills. Landfill liner technology has come a long way.
4 In this particular case the liner is designed such that
5 there's a plastic liner that are is underlain by a bentonite
6 clay that if -- and I don't expect the plastic liner to leak
7 because when the liner is placed down during construction,
8 there's a very rigorous inspection process that goes on to
9 make sure -- and testing process to make sure that there are
10 no perforations or imperfections in that liner. If there
11 were, then the bentonite that's below that area would swell
12 into any of those imperfections and basically act as a seal.
13 That's kind of an amazing safeguard, I think, in terms of
14 preventing this liner from leaking. In the long term the
15 cap of the -- once the waste is drained, it's the cap of the
16 landfill that becomes the important element from protecting
17 the environment because at that point there is no more
18 drainable water in the landfill, and what you need to do is
19 prevent the water from getting in from precipitation. That
20 cover system is a replaceable liner. If it needs to be
21 replaced on a routine basis, that can be replaced and keep
22 the waste from draining at that point. I don't anticipate,
23 I guess, based on this design that the landfill liner is
24 going to leak.

25 DR. LOMMLER: But if that upper liner leaked,

1 we're only covered for the first 30 years. After that it
2 becomes whose responsibility?

3 MR. SEVEE: I can't answer that.

4 MR. BURSON: Is there someone that can answer
5 that, about who becomes responsible after 30 years?

6 MS. CLARK: The Solid Waste Management
7 Regulations provide that at a minimum the owner or operator
8 of a landfill will take care of that landfill in a
9 post-closure setting for 30 years. So it does allow the
10 Department to require longer periods of time after the
11 closure of a landfill. There have been few cases in Maine
12 so far where there have been landfills that have been closed
13 and monitored for that long, quite honestly. Most of the
14 closures that have been accomplished have been much more
15 recent than 30 years. It is something we're talking about
16 internally, but I think the important point is that the
17 Department does have the authority -- the ability and in a
18 lot of cases probably the motivation to specifically require
19 an operator or landfill owner to extend post-closure
20 responsibility, so it would go beyond 30 years.

21 DR. LOMMLER: Would that be in the draft of
22 the amendment? We've seen the draft on the proposal. Would
23 the DEP make that amendment?

24 MS. CLARK: Well, currently there is not
25 discussion about that in the amendment. The authority stems

1 from the rule itself. That is something that we can take
2 under consideration. I'll make a note of that. We will
3 talk about it further.

4 DR. LOMMLER: Thank you. Another question on
5 the monitoring well, I'm not sure who to direct this to.
6 The distance between -- you said there were 28 monitoring
7 wells. Half of those measure surface water. Half of them
8 measure deeper down, correct?

9 MR. SEVEE: The groundwater monitoring wells
10 measure groundwater. They don't measure surface water.

11 DR. LOMMLER: One is about 5 feet down and
12 one is about 25 feet down?

13 MR. SEVEE: There are monitoring wells that
14 are in the soils, which range in thickness up to about 75
15 feet, so they would be in that upper 75 feet zone, and then
16 there are wells that are in the bedrock that underlie the
17 soils, and that's up to a hundred and some odd feet deep.

18 DR. LOMMLER: My next question along that
19 line is how far are the wells spaced apart?

20 MR. SEVEE: It varies somewhat, but I think
21 they're several hundred feet apart, in general.

22 DR. LOMMLER: If a leak were to occur, what's
23 the width of the plume it would usually come out, and what's
24 the ability of the monitoring well to detect these leaks? I
25 mean, if a plume is 20-foot wide but the monitoring well

1 only picks up 10 feet around it and they're 50 to 100 feet
2 apart, you may miss it all together.

3 MR. SEVEE: There's a couple of things here
4 that are going on. One is if that you have a catastrophic
5 leak, a portion of the liner disintegrates, something like
6 that, although that's not what I expect to happen here. The
7 monitoring wells are spaced properly to detect that type of
8 an occurrence because when anything enters the groundwater
9 system, it tends to spread out, and by the time you get to
10 the monitoring network you would see it. In terms of very
11 small minor leaks, you would never see it. You would never
12 know it is in the environment. It would never have any
13 adverse impact on the environment. It would be absorbed
14 into the soil, and you wouldn't even notice it. What the
15 monitoring system is set up to do is to monitor for the type
16 of leaks that one would expect to be of importance and
17 consequence to the environment, and that's what we have.

18 DR. LOMMLER: How far around those wells are
19 monitored?

20 MR. SEVEE: Pardon me?

21 DR. LOMMLER: How far around those wells will
22 the well itself pick up a leak?

23 MR. SEVEE: Well, the leak needs to be moving
24 through the area of the monitoring well.

25 DR. LOMMLER: But how close?

1 MR. SEVEE: It has to be going through the
2 monitoring well.

3 DR. LOMMLER: Through the monitoring well?

4 MR. SEVEE: Right.

5 DR. LOMMLER: So if it's off to one side or
6 the other, the monitoring well isn't going to pick it up
7 until it enlarges?

8 MR. SEVEE: Well, see, what happens if you
9 get a leak into the groundwater system, the -- it doesn't
10 stay into a narrow band.

11 DR. LOMMLER: Right.

12 MR. SEVEE: It tends to widen as it moves
13 away or downstream, so the leak doesn't have to be right,
14 you know, in some precise location because the -- you may
15 not be at the peak concentration of where the leak is
16 occurring, but you're going to detect it in the monitoring
17 well network.

18 DR. LOMMLER: How big of a leak would you
19 need to pick up a leak between two of those monitoring
20 wells?

21 MR. SEVEE: How big a leak would you need?

22 DR. LOMMLER: I mean, if the wells are say 50
23 feet apart and we're saying they have a narrow plume, the
24 larger the leak, the larger the plume. What sort of size
25 leak would it take for those monitoring wells to really do

1 what we would expect?

2 MR. SEVEE: Well, the leaks in the order of,
3 you know, the size of this room or whatever -- if the liner
4 is degrading, you would see it in those monitoring wells. I
5 think the other thing that's relevant to this particular
6 site is that there's an underdrain system that underlies the
7 landfill, and even if there were a small leak anywhere
8 underneath the landfill, that would move upward into that
9 underdrain system at the downstream toe and be picked up in
10 the underdrain system, so you start to see the signature
11 that there's some sort of a leak occurring.

12 DR. LOMMLER: And how deep is that underdrain
13 system?

14 MR. SEVEE: The underdrain system is
15 relatively shallow, but the groundwater comes up to meet the
16 underdrain at the lower site elevation. In fact, it comes
17 up to meet the monitoring wells at the lower site
18 elevations.

19 DR. LOMMLER: But that's only 20 percent of
20 the wells that water comes upward, so the other 80 percent
21 of the wells we wouldn't pick it up right away. In order
22 for the monitoring wells the way they're distanced, we need
23 a leak the size of this room? Is that what you're saying,
24 two monitoring wells, 50 feet apart, in order for those
25 monitoring wells to work, we need a leak the size of this

1 room?

2 MR. SEVEE: No.

3 DR. LOMMLER: How big do we need that leak to
4 be?

5 MR. SEVEE: It could be smaller if the leak
6 were up higher on the landfill. I mean, if the leak is
7 right at the toe of the landfill, you're going to see it on
8 the ground surface. You're going to see it in the
9 underdrain system, and so that leak is covered. If the leak
10 is further up into the site, it will leak both into the
11 underdrain system and potentially into one of the monitoring
12 wells. If it's all the way at the upper end of the site, it
13 will leak into the monitoring wells. You'll see it in the
14 monitoring wells as well as the underdrain system. I
15 can't -- I'm having trouble following you in terms of seeing
16 what kind of a leak wouldn't be detectable by the monitoring
17 system that's in place at the landfill.

18 DR. LOMMLER: You're saying that the only way
19 a leak is going to be picked up is if that plume goes
20 directly at monitoring well, correct?

21 MR. SEVEE: No, I don't think so.

22 DR. LOMMLER: How far around that monitoring
23 well -- given the fact they were 50 feet apart and right in
24 the middle of that 50 feet is where you had your leak, your
25 plume is going to expand both sides, both directions. How

1 long is it going to take for those -- what size of a leak
2 does it take for those monitoring wells to pick that up?

3 MR. SEVEE: Maybe it would be easier to
4 answer the question by going through some examples. Let's
5 say that there was a leak somewhere in the landfill,
6 although I don't expect one. Let's say there was a leak the
7 size of 6 inches, a 6-inch area, and that was located
8 somewhere underneath the landfill. The leachate would move
9 down through the leak into the soil. Eventually that
10 groundwater would be brought up at the downstream toe of
11 this landfill and be brought into the underdrain system,
12 okay, because the groundwater tends to move horizontally --
13 downward and horizontally and then come at the lower toe of
14 the landfill. That leak would be detected by the underdrain
15 system.

16 DR. LOMMLER: Within how long?

17 MR. SEVEE: Almost immediately.

18 DR. LOMMLER: That size of a leak, how much
19 leachate would be flowing through there for how long?

20 MR. SEVEE: The quantity, I would have to go
21 through a calculation, but the quantity would be very, very
22 small because the site soils are so impervious.

23 DR. LOMMLER: By small --

24 MR. DOYLE: Excuse me one second. Let him
25 finish with his examples, and then we can get to your other

1 questions. Is there a time limit on questions, by the way?

2 DR. LOMMLER: I would be happy to yield the
3 mike to somebody else for a while and come back and ask my
4 questions.

5 MR. BURSON: We thought that during the
6 question period -- obviously we want to make sure everyone
7 has a chance to ask a question between now and 1:00, but
8 since -- obviously if someone wishes to ask a question, we
9 could do that if Mr. Lommler is finished.

10 DR. LOMMLER: Sure. If not, I would like to
11 ask a couple more questions.

12 MS. WALSH: That's fine. There was a
13 gentleman in the back of the room, and I just wanted to
14 check in with you, sir. Are you coming forward to ask
15 questions or would you like to be the next person to ask a
16 question?

17 UNIDENTIFIED SPEAKER: I'm no expert.

18 DR. LOMMLER: He can come up now. That's
19 fine. I'll come back after the other people are through.
20 That's not a big deal.

21 MS. WALSH: If you're okay with that, we'll
22 proceed that way.

23 DR. LOMMLER: I would like to have the oath
24 changed. She said we had that for an option. I would like
25 to have everybody sworn in again, and that would cover

1 everything that's already been said.

2 COMMISSIONER GALLAGHER: Okay.

3 DR. LOMMLER: Thank you.

4 MS. WALSH: Sir, I will remind you to state
5 your name and where you're from, please.

6 MR. GIBBS: My name is Charlie Gibbs. I'm an
7 ordinary citizen, and I am attached to a fine group of brave
8 people called We The People. I've got a few questions here
9 to ask today, and I think it all has to do with the
10 integrity of what this is supposed to mean to all of us.
11 One of the questions I would like to ask is does Pierce
12 Atwood represent Casella group and Georgia-Pacific in any
13 way?

14 MR. DOYLE: Pierce Atwood represents Casella
15 Waste Systems. In the context of the sale of the landfill
16 to the State of Maine, Pierce Atwood represented Georgia
17 Pacific. Casella was represented by another law firm.

18 MR. GIBBS: That was my question. I have
19 another one for you. You might as well stand right there.
20 Did Pierce Atwood in any way help write the Resolve that the
21 Legislature had to approve?

22 MR. DOYLE: We reviewed Resolve language. We
23 didn't write it. The Legislature wrote it.

24 MR. GIBBS: There was some input?

25 MR. DOYLE: Sure.

1 MR. GIBBS: Okay. Is that normal procedure?
2 This I would like to direct to the State Planning Board
3 because it goes to what I feel could very well be in my
4 opinion the incompetence of the Legislature to write their
5 own Resolve without having to use high-powered attorneys.
6 Would somebody from the State Planning Board like to answer
7 that?

8 MR. MACDONALD: I'm George MacDonald.

9 MR. GIBBS: Hi, George.

10 MR. MACDONALD: It's not uncommon for
11 interested parties to offer language in the writing of laws.
12 It's the Legislature who finally accepts what is in the law
13 itself. Just because it has been offered doesn't mean it's
14 going to end up in the final document.

15 MR. GIBBS: Okay. How much of that was
16 adopted into the final language? Do you know that?

17 MR. MACDONALD: Not much.

18 MR. GIBBS: Not much that you don't know or
19 not much was offered into the Resolve?

20 MR. MACDONALD: Not much that I'm aware of
21 because the Resolve as passed was quite a bit different from
22 what was originally talked about, and there were a number of
23 amendments and changes throughout the process. From what I
24 saw it did change, and not everything that had been offered
25 by not just Pierce Atwood but other parties involved did not

1 make it to the final document.

2 MR. GIBBS: But specifically my question is,
3 I have read some of the opinions by Pierce Atwood that was
4 entered into the Resolve, and it appears that they took a
5 very big portion of that to make sure that the language was
6 conducive to the interested parties of Georgia Pacific and
7 Casella, who is, by the way, going to be running this and
8 NEWSME, not Casella. My other question to you, George is,
9 why is it that citizens or the towns or cities that are
10 involved that are going to be impacted by this, why are not
11 they dealing with the state as opposed to the obvious
12 interested entities that are -- NEWSME, why are we dealing
13 with them as opposed to the state? I mean, the state is
14 going to own this landfill. The state is going to be
15 responsible for the outcome of this landfill. NEWSME, under
16 a limited liability company, really isn't going to have an
17 awful lot of things to worry about in the end. The citizens
18 are and so are the towns that this is going to impact.
19 Therefore, what I would like to know is, why are we having
20 to spend our money putting that money for ourselves either
21 at the local level or as a citizen-based group? Why aren't
22 you doing that for us protecting our rights since you
23 represent the state as part as the State Planning Office?
24 Could you answer me that, please?

25 MR. MACDONALD: The State Planning Office is

1 a player but the way the Resolve was worded and passed, the
2 responsibilities are passed through the state to the
3 contractor that we've selected, and that's Casella Waste
4 Systems.

5 MR. GIBBS: That would be NEWSME, not Casella
6 Waste Systems.

7 MR. MACDONALD: Casella Waste Systems is the
8 name of the company on the agreement we have for operations
9 of the landfill. NEWSME is just an organization within
10 Casella Waste Systems that will be running it, but Casella
11 Waste Systems is the signatory to the operations agreement
12 the State Planning Office has for the operations of the
13 landfill.

14 MR. GIBBS: There's two things I want to
15 follow up on. Number one is, they are, in fact, licensing
16 this under NEWSME, so only their holdings in NEWSME would be
17 something they could grab, am I correct?

18 MR. DOYLE: George, maybe I could answer
19 that.

20 MR. GIBBS: Sure. Go ahead.

21 MR. DOYLE: The applicant, the State Planning
22 Office, NEWSME Landfill Operations LLC, is going to be the
23 operator. Under the agreement between the State of Maine
24 and Casella Waste Systems, Casella Waste Systems is a
25 guarantor of all the obligations of NEWSME Landfill

1 Operations.

2 MR. GIBBS: I what like to take and point out
3 again that what you just said, George, I think everybody in
4 the room heard, the way the Resolve was written. On that I
5 would say that probably the entities involved that want to
6 push this through got their way on that one. Thank you very
7 much.

8 MS. WALSH: Thank you. I would like go to
9 remind for example when they're asking questions, this is a
10 question and answer period for the panel. I want you to ask
11 you to refrain from interjecting comments in this process.
12 There will be ample time for comments, and we will record
13 those many times in the next afternoon and tomorrow. There
14 are two gentlemen in the back. One of you, come on up. I
15 would like to remind you to state your name and where you're
16 from.

17 MR. RICHARD: My name is Michael Richard.
18 I'm from Milford. I guess this question is for Pete Maher,
19 engineer. My question to you is, who will oversee the
20 construction to assure that the facility is being built as
21 permitted, and what authority do they have during the
22 construction phase?

23 MR. MAHER: That's a good question.
24 Generally what happens in these projects and what will
25 happen in this project is that the operator, Casella, will

1 put this project out to bid to a group of contractors, a
2 contractor will be selected, and that contractor will need
3 to abide by a set of construction documents, including
4 plans, specifications, and quality control that will be
5 implemented during construction. Casella will contract with
6 the selected contractor, and they will also contract with an
7 engineering firm such as ourselves to ensure that the
8 project is completed within the -- in general accordance
9 with those plans and specs. There will be an entity on site
10 to make sure that the contractor does what he's supposed to
11 do. Beyond that -- and there will be separate quality
12 control type laboratories that are used for plastics, for
13 soils materials, for the bentonite, and everything else.
14 Beyond that, the DEP kind of oversees and overlooks
15 everything to make sure everything is getting done the way
16 that they approved the plan and the specs. They're on site
17 a lot reviewing documents, procedures, and tests.

18 MR. RICHARD: Thank you very much. Thank
19 you.

20 MS. WALSH: Someone else, please. I won't
21 forget you guys in the back. We will get everybody. Just
22 be patient, please. Again, if I could ask you to state your
23 name and where you're from for the record.

24 MS. FORSSBERG: Brita Forssberg. I'm an
25 attorney from Portland, and I'm representing the Town of

1 Alton. I think this would be for Mr. Sevee again. You were
2 talking about the benefits of this site and detecting leaks
3 before it would get into the groundwater. I was wondering
4 if you've done modeling on how the effect of the new
5 height -- what the effect of the new height would be on
6 that. Could that create some problems that maybe haven't
7 been seen in the past?

8 MR. SEVEE: You're asking whether the
9 additional height of the landfill will alter in some way the
10 ability to monitor the site. No, it won't change the
11 groundwater flow directions, and the existing monitoring
12 network with supplements the DEP is going for will meet the
13 monitoring requirements.

14 MS. FORSSBERG: What is that based on?

15 MR. SEVEE: Well, it's based on the
16 characteristics of the soils. The soils on this site have
17 had approximately 2 kilometers of ice sitting on top of
18 them. They're very compact because of that. The additional
19 weight of the waste is negligible compared to the weight of
20 that ice, and it won't compact the soils or it won't change
21 its density, therefore, it won't change the groundwater flow
22 directions.

23 MS. FORSSBERG: Have you seen that? I mean,
24 has that been borne out by other projects?

25 MR. SEVEE: Oh, yes.

1 MS. FORSSBERG: Thank you.

2 MR. BURSON: There have been people waiting
3 at the back of the room. Go ahead, sir.

4 MS. LUTZ: My name is Cynthia Lutz, and I'm
5 from Alton. First question is for John Sevee. I'd like to
6 know -- you mentioned that there's 20 percent that has an
7 upward gradient under it. When the water under that other
8 80 percent comes down, is there a possibility that that will
9 go into the bedrock?

10 MR. SEVEE: Yes, that is likely the case.
11 That is correct.

12 MS. LUTZ: And has there been any testing
13 done to show where that water would go once it gets into the
14 bedrock?

15 MR. SEVEE: Yes. The site data as well as
16 some mathematical modeling, both of which confirm that the
17 groundwater will migrate downward and then horizontally
18 beneath the site and then come upward at the lower
19 elevations at the site.

20 MS. LUTZ: So are you telling me that all of
21 the water that goes into the bedrock will not leave the
22 site?

23 MR. SEVEE: That is correct. It won't leave
24 the landfill site.

25 MS. LUTZ: Meaning the footprint?

1 MR. SEVEE: Oh, it will be beyond the
2 footprint, but it won't leave the landfill site.

3 MS. LUTZ: Can you explain that to me?

4 MR. SEVEE: Yes, I can. This figure here
5 that's on the wall represents only a portion of the
6 landfill, and in this particular case the higher site
7 elevations would be toward the left as I look at this, and
8 the lower site elevations would be to the right as I look at
9 the slide. So groundwater that enters the upper part of the
10 site, which would be off the left-hand side of the slide,
11 would migrate down through the till. Some of it will go
12 horizontally through the till. The groundwater off the edge
13 of this slide will move downward, go down through the
14 bedrock, and then come up at the lower site elevations
15 outside footprint of the landfill.

16 MS. LUTZ: And did you determine -- how did
17 you determine how the water is going to move through the
18 bedrock?

19 MR. SEVEE: The site groundwater level data,
20 first of all, tells us where the groundwater is going to go.
21 You look at the differences in potentiometric level, and
22 that tell tells you how the groundwater is going to behave.
23 In addition, we've taken that information and put it into a
24 mathematical model for the site, and that confirms what the
25 site data says.

1 MS. LUTZ: I have one more question for you.
2 You mentioned that it would be easy to remediate. Is there
3 a written remediation plan should something go wrong?

4 MR. SEVEE: There's a requirement in the
5 application to address potential future remediation. I
6 don't know the details of that. Mike, do you want to answer
7 that? The application identifies potential application
8 methodologies or technologies. Basically it would involve
9 collecting groundwater down at the lower end of the site
10 elevations.

11 MS. LUTZ: So the remediation plan is that
12 you would then take the groundwater out of the lower
13 elevations and treat it?

14 MR. SEVEE: Correct.

15 MS. LUTZ: I think I actually have one more
16 for you. I'm sorry. How much of the landfill is underlined
17 with an underdrain system?

18 MR. SEVEE: I believe right now there's
19 about, what, 7 acres built, Peter?

20 MR. MAHER: There's 15 acres built.

21 MR. SEVEE: There's 15 acres built. There's
22 about 3 acres that currently does not have an underdrain
23 system underneath it.

24 MR. MAHER: Two.

25 MR. SEVEE: Two acres, excuse me. I believe

1 that the rest of the landfill will have an underdrain system
2 underneath it.

3 MS. LUTZ: Thank you very much. I had a
4 question for Don Meagher. You said that there will be a
5 24-hour landfill complaint line. I spoke with the Hampden
6 Town Manager, who told me that she is part of the system
7 there and that they get calls and then someone goes out.
8 They've been to your -- I don't know what to call it --
9 smell school, where they're taught how to determine whether
10 or not an odor is offensive, and she told me that basically
11 they go out, and they find out that the odor is not
12 offensive. I want to know what else your complaint line
13 will do besides tell people that what they find offensive
14 isn't offensive.

15 MR. MEAGHER: Is that a hypothetical
16 question?

17 MS. LUTZ: No. I want to know what else it
18 will do. She told me what happens in Hampden. I'd like to
19 know what else will happen.

20 MR. MEAGHER: The complaint line is there
21 for, first of all, somebody that has a complaint to reach a
22 real person 24 hours a day, 7 days a week, and for that
23 person then to contact a landfill employee to go -- to go
24 out to the site and respond to the complaint. That's the
25 purpose of the system.

1 MS. LUTZ: Can you give me like what a
2 response might be, what a hypothetical response might be?

3 MR. MEAGHER: If it's during the working day,
4 we would contact the town office because we have landfill
5 employees and town employees who have been through this odor
6 monitoring program that we conduct on an annual basis.
7 During the working day we'd contact the staff so both a town
8 employee and a landfill employee go out to the location
9 where the person reported the odor. We then each determine,
10 was there an odor when we got there? Sometimes there are,
11 sometimes there are not. There are instances in which the
12 person reporting the odor is upwind of the landfill. The
13 odor in that instance cannot be from the landfill. We go
14 out to the location and we determine, A, what's the wind
15 direction; B, does the town person and the landfill person
16 smell an odor? If we do, we then both determine what is its
17 intensity, and we record that, send the results of that
18 inspection to the person reporting the complaint, to the
19 town, and to the DEP.

20 MS. LUTZ: Thank you.

21 MR. MEAGHER: You're welcome.

22 MS. LUTZ: I want to ask this next question
23 to whoever is running the procedures. I want to just make
24 sure I understand something. On Wednesday I stopped into
25 the DEP office and explained that We The People had made

1 arrangements for a scientist to come and speak at these
2 meetings, and I was told by that woman -- and, I'm sorry, I
3 didn't ask her name -- what could we do to make sure that
4 person got an adequate amount of time to speak, and she
5 seemed to think that that wasn't going to be a problem. I
6 seem to be hearing today that five minutes is going to be
7 what he's allowed; is that correct?

8 COMMISSIONER GALLAGHER: No, that's not
9 correct. What we were saying is that based on the number of
10 people that we had for the first session today and the
11 public comment period that that would certainly have limits
12 to five minutes so that everybody could get to speak, and
13 after that people could come up for a longer period of time
14 or a second period of time. It really depends on how many
15 people want to speak. We want to make sure that everybody
16 gets to be heard. We will be very liberal with that.

17 MS. LUTZ: If this person will only be here
18 tomorrow between 2:00 and 3:00, can we get him in during
19 that period of time?

20 COMMISSIONER GALLAGHER: I'm sure we can
21 accommodate him.

22 MS. LUTZ: Thank you.

23 MR. BURSON: Yes, sir. You've been very
24 patient. Please start with your name and organization. We
25 will keep reminding people, please start with your name and

1 your organization.

2 MR. SCHROEDER: My name is Paul Schroeder.
3 I'm an Orono resident. I think I have three questions. One
4 has to do with the expansion of the footprint. One has to
5 do with the regular waste management planning process and
6 how this fits with that, and the third question has to do
7 with the prior involvement of the Casella Company in the
8 arrangements as to acquiring this landfill. On the first
9 question there's been quite a bit of careful explanation as
10 to the definition of expansion and that this project does
11 not fit the definition of expansion according to current
12 rules. There are a number of documents that were created
13 during the planning process between April and June before
14 this project was authorized by the Legislature in which
15 there were various assertions made that the long-term
16 economic viability of this project rests upon the need for
17 application for future expansion. I'm curious probably for
18 someone who represents the Casella Company to give us some
19 idea -- or possibly who represents the State Planning
20 Office -- when it's expected that an application for an
21 expansion will be submitted related to this project.

22 MR. MEAGHER: I can't give you a time frame
23 for when an expansion application will be submitted. It is
24 a detailed process of site investigation and preparing an
25 application. Certainly it is our full intent to submit an

1 expansion application in the future.

2 MR. SCHROEDER: Would you say this would be 3
3 years, 5 years, 1 year, 20 years?

4 MR. MEAGHER: Until we have an opportunity to
5 go out there and do site investigation, I couldn't respond
6 to that.

7 MR. SCHROEDER: But in essence we should all
8 understand at this point that it's part of this project's
9 plan that a future expansion will be applied for?

10 MR. MEAGHER: Oh, absolutely.

11 MR. SCHROEDER: Thank you. My second
12 question has to do with how this project integrates with the
13 ongoing waste management process that's in place with the
14 state. On the 5th of -- this is a question for Mr.
15 MacDonald. At a certain point in the preliminaries of this,
16 actually on the 8th of May, you provided a communication
17 that says this G-P opportunity does not fit neatly into what
18 was planned. That means does not fit neatly into the
19 ongoing existing state process for siting of a special waste
20 facility. In that same communication you said, well, part
21 of the reason for this is that there exists at this time
22 somewhere at least between six and eight years, and I've
23 heard other figures that are longer -- six and eight years
24 of established landfill capacity. Also, it seems to me part
25 of the existing landfill process, especially in terms of the

1 state acquiring property to own a landfill, requires that an
2 advisory board to the State Planning Office basically
3 certify that this project meets the siting requirements and
4 reports to the Legislature. I guess my question is, please
5 explain why the state is involved in this if it doesn't fit
6 within the regular established landfill siting processes,
7 and please explain if there ever was a certification or a
8 report from your advisory committee to the Legislature as to
9 why this particular site should be acquired.

10 MR. MACDONALD: In response to your first
11 part, I believe my comments were there is already a system
12 in place for determining the need for the state to move on
13 providing disposal capacity. That's laid out in the
14 statute. That was implemented in 1989. What was proposed
15 last year was a unique opportunity to provide disposal
16 capacity that did not fit neatly into what had been planned
17 14 years ago. It was an opportunity. It didn't fit neatly
18 into what may have been planned. The second part, the
19 enabling legislation in 1989 established a facility siting
20 board, whose job was to work to provide oversight and
21 confirmation of suitable landfill and disposal facility
22 sites within the state. That board met regularly in the
23 early part of the '90s, I believe -- I was not involved in
24 the process at that time -- and did work with a former Maine
25 waste management agency in revealing numerous sites across

1 the state to which the facility board ended this work with
2 the movement on acquiring the site and Township 2 Range 8
3 that was offered by Lincoln Pulp and Paper, known as
4 Carpenter Ridge, as a landfill opportunity for the state to
5 move on.

6 MR. SCHROEDER: So you're saying that under
7 the current statutes the requirement for the facility siting
8 board to certify a site to the Legislature as a preliminary
9 to the Legislature's acquiring site, that that's not part of
10 current legislation, and it's not part of the process today.

11 MR. MACDONALD: It was not part of the
12 process, no.

13 MR. SCHROEDER: Well, it was not, but should
14 it be part? I guess that's what I'm getting at. It seems
15 to me that there is a siting board that as part of the
16 regular process should be involved.

17 MR. MACDONALD: They were not. This
18 acquisition occurred through the Resolve that was passed
19 last spring, and that Resolve was the vehicle by which were
20 moved on this project.

21 MR. SCHROEDER: So the participation of the
22 siting board basically was negated by the Resolve. The
23 Resolve superseded the requirement of having the siting
24 board involved in this?

25 MR. MACDONALD: That may be.

1 MR. SCHROEDER: Even though the
2 legislation -- the statutes say that the siting board should
3 certify this before the state acquires a site? Okay.
4 Thanks. My third question has to do with the participation
5 of Casella early in this process. According to my reading
6 of an April 25 memo that's two months before the state
7 legislation Resolve was passed, there was a communication
8 from Jack Cashman and Governor Baldacci stating that the
9 first plan was that Casella would partner with the City of
10 Old Town in acquiring this site. What happened to the --
11 could someone give a little bit of background, because that
12 didn't come up in the time line that was given before, as to
13 the potential for Casella itself to acquire the site in
14 partnership with Old Town?

15 MR. MEAGHER: First just a comment for the
16 moderators here. The decision by the Legislature to
17 purchase the site has been made. The decision by the State
18 Planning Office to select Casella as an operator has been
19 made. Those decisions are not part of this application.
20 Those decisions are not part of the purview of the decision
21 that's going to be made by the Department.

22 MR. SCHROEDER: My understanding is that
23 questions about the ongoing -- of the established site
24 selection process are within the scope of the questions that
25 can be asked at this hearing.

1 MR. MEAGHER: This hearing is about the
2 amendment application being reviewed.

3 MR. SCHROEDER: Basically what you're saying
4 is you don't want to comment on Casella's comments before
5 the legislative Resolve?

6 MR. BURSON: Just to clarify one point, which
7 I think is important to state. This is not a hearing. I
8 understand that that's language that's not always
9 transparent to people, but this proceeding is a public
10 meeting and not a hearing according to the meaning of the
11 Department's rules.

12 MR. SCHROEDER: That's fine. He's the one
13 who brought up what's appropriate or not. I guess it's up
14 to you folks as to whether you think he should answer this
15 question.

16 MR. BURSON: I don't have a reading on that,
17 I guess, myself. Does anybody want to give us a hand?

18 COMMISSIONER GALLAGHER: I'd like to be
19 really liberal about what we allow in this. I do think that
20 probably legally that's not part of this. If Casella wishes
21 to answer that question, I will leave that up to them.

22 MR. MEAGHER: Sure. Could you repeat your
23 question?

24 MR. SCHROEDER: Yeah. Because there were
25 several aspects of -- at least of the documents I've seen --

1 implied the Casella Company was involved at a very early
2 stage in negotiating with G-P under various forums to
3 acquire this landfill. I guess what happened to those early
4 concepts, and why is it -- this is a legitimate question
5 that I have. Why exactly is it that the state felt that it
6 had to get involved in this project that looks like,
7 according to the rules, it could have just been undertaken
8 as a private venture between Casella and any partners it
9 would choose and G-P.

10 MR. MEAGHER: I can ask George to comment on
11 this as well, but state statute prohibits the establishment
12 of a new commercial landfill in Maine.

13 MR. SCHROEDER: Is this a new commercial
14 landfill? It seems that this is an amendment process to an
15 existing landfill.

16 MR. MEAGHER: This is a state-owned landfill.

17 MR. SCHROEDER: Why is it a state-owned
18 landfill?

19 MR. MEAGHER: Because the state owns it. The
20 state is the owner.

21 MR. MACDONALD: The state acquired the
22 landfill because there is a ban on new commercial disposal
23 facilities. This landfill was permitted by the paper mill
24 to handle its waste stream. It's a generator-owned landfill
25 to change the types of waste going in there, change the

1 nature of that landfill so it would become what's considered
2 a commercial landfill. That's my understanding. With the
3 state purchasing the landfill we can make it available.
4 Casella could not purchase the landfill and use it for their
5 own purposes other than to continue receiving mill waste. I
6 may turn to DEP for clarification on that.

7 MR. SCHROEDER: I appreciate that, and
8 probably later during the comments period I will ask a few
9 more questions.

10 MR. BURSON: Thank you. We're now at 25
11 minutes of 1:00, and we will stop promptly at 1:00. I would
12 remind people that the afternoon session doesn't preclude
13 people from asking questions, but we want to try to get as
14 many questions of substance in as possible. Ms. Cleveland,
15 I think you've already spoken.

16 MS. CLEVELAND: I have one quick follow-up.

17 MR. BURSON: We've got a couple people who
18 have not yet spoken, but we'll try to get back to you before
19 we finish. The gentleman in the green sweater. Please
20 remember, as always, to give us your name.

21 MR. DUFOUR: My name is Peter Dufour, and I'm
22 a resident of West Old Town and a neighbor of the landfill.
23 My questions and comments now and later this afternoon are
24 relating to the compatibility of the landfill in
25 relationship to the neighborhood. My first question

1 actually, I have three questions, and I will address them to
2 Peter Maher. The first one is the approved site was at 70
3 feet in height, and Peter made mention that the proposed
4 elevation is going to be 120 feet. Point of clarification,
5 120 feet above the existing 70, or is that a total?

6 MR. MAHER: That is a 120-foot, increase.
7 Peter.

8 MR. DUFOUR: Thank you. The second part,
9 back in the 1990s when we went through this process
10 originally, which I was a party to, we were told at that
11 time that the total height of 70 feet wouldn't be visible
12 from Route 43 or the neighborhood. This is a comment more
13 than anything else. The first cell has been terminated at
14 25 feet and is visible from Route 43. It brings to mind --
15 again, I'm addressing the height of the pile at its
16 completion. Again during the '90s we were told when we --
17 when expressed concern about the height of the pile and the
18 stability and everything else, that there would be no
19 problem at a 70-foot elevation. They had done mockups and
20 had all the engineering to substantiate that, and, yet, at
21 25 feet the first cell had to be terminated due to
22 instability. Maybe Peter can answer that question, what
23 transpired and, you know, the reliability of the new mockups
24 and the engineering for the additional 120 feet.

25 MR. MAHER: The first cell was designed to be

1 about 25 to 30 feet tall.

2 MR. DUFOUR: 70 feet was the maximum. You
3 received approval for a 70-foot high pile.

4 MR. MAHER: The entire pile was permitted for
5 a 70-foot height. The first cell was designed for a maximum
6 height of 25 to 30 feet, and that's where it ended. You are
7 correct in saying that the sludge did not behave as we
8 expected it to behave when it was -- when the landfill began
9 operation. With that said, though, modifications were made
10 to enhance the stability of that sludge. It was studied by
11 Dr. Wardwell, and the landfill has been operated very much
12 in a manner consistent with the originally proposed design
13 and operation for the site.

14 MR. DUFOUR: So it was your full intent,
15 you're telling me, that you were going to terminate the
16 cells at 25 feet as you developed each individual cell?

17 MR. MAHER: Yes, and the operations were to
18 build a cell -- construct a cell, operate it to a height of
19 about 25 to 30 feet, move on to the next cell, which we have
20 done. We've only built two cells out there.

21 MR. DUFOUR: That's right. Is it your intent
22 on these that you're developing now -- I guess my question
23 would be, at what height the first level -- on the 8-based
24 cell system that you're proposing for the landfill, at what
25 height do you propose to stop those individually as you

1 progress?

2 MR. MAHER: I think they're maybe -- each of
3 the cells will probably be 40 to 50 feet high off the
4 existing ground surface.

5 MR. DUFOUR: Okay. That's all I have. Thank
6 you.

7 MR. BURSON: Thank you.

8 MR. DOYLE: Just one clarification, Malcolm.

9 MR. BURSON: Yes. Go ahead.

10 MR. DOYLE: I've heard Peter make this
11 statement before, and I believe he's mischaracterizing what
12 was said about visibility and visual impact back in 1993 and
13 '92, and I was there, as was he. We didn't say the landfill
14 was going to be invisible. We said it would have no
15 unreasonable impact on the scenic character. Dennis Jud was
16 there. He was the guy that did the analysis. No one ever
17 said it was going to be invisible, and it's not invisible.

18 MR. BURSON: All I'd ask counsel is, is that
19 a matter of record someplace?

20 MR. DOYLE: Yes. It's in the record, and
21 it's in the permit.

22 MR. BURSON: Then if it's in the record and
23 in the permit, I would invite anybody who wishes to, to
24 consult on that subject. Let me ask how many more people
25 plan to ask questions, if possible, before we close in 19

1 minutes. There's eight. People will obviously have to hope
2 that they make it. If they don't, we will carry those
3 questions over, and obviously you may ask them when the
4 afternoon session begins. I see no rule by which to go
5 other than I saw that gentleman in the yellow coat a while
6 ago.

7 MR. FERNANDEZ: My name is George Fernandez
8 from Old Town. I'm not representing any organization. Not
9 knowing anything to do with the operation of a landfill, I
10 just have about three or four questions regarding after --
11 if the Commissioner and the Department approves it, after it
12 goes in. My understanding -- I've heard a conversation
13 about what toxic and toxicity is about, and my understanding
14 is that something is toxic according to criteria if it's a
15 certain concentration. If it's below that, it's not toxic.
16 If it's above that, it's toxic. The first question is, when
17 the trucks come in and the pile starts going up, my
18 understanding is that you do core the trucks -- check the
19 trucks coming in. First question. Is the pile itself after
20 a few years cored and checked for what's happening with the
21 concentration of stuff that when it first comes in it's not
22 toxic, but after a while it could conceivably improve in its
23 power and become toxic? The first question is, do they also
24 check the pile?

25 MR. MAHER: Elaine has asked that the next

1 time you ask a question if you could speak up a little bit
2 so the people in the back can hear you. I'll try to attempt
3 to answer your question. There are several other people
4 that may be better at different aspects of your question.
5 The waste that -- the waste that comes to the landfill is
6 either tested or inspected to ensure that it is nonhazardous
7 and it is an acceptable waste.

8 MR. FERNANDEZ: Tested or inspected by who?

9 MR. MAHER: It's tested by independent labs.
10 It's inspected by the operators of the landfill to ensure
11 that what is being delivered is what has been specified.
12 Beyond that, to get at your question about is the waste ever
13 cored to see if it changes -- I think that's what you were
14 asking. Is it cored to see if its characteristics change?

15 MR. FERNANDEZ: And become more concentrated
16 and, therefore, become more toxic.

17 MR. MAHER: No, it isn't. The way that we
18 can tell whether or not there are any changes or anything --
19 any changes in the character of the waste or anything that
20 has been delivered to the site that was not approved --

21 MR. FERNANDEZ: Changes in the pile.

22 MR. MAHER: Right. The way we can tell if
23 there has been any changes in the characteristic of the
24 waste based on time in the landfill or anything else that
25 may happen in the landfill or if something has been

1 delivered to the site that was not approved to be delivered
2 is what we see in the leachate that is collected within the
3 landfill. That leachate is tested for a wide suite of
4 parameters. I don't know how many parameters. There must
5 be dozens or tens of parameters. From that information we
6 can tell whether or not there's been a change in the
7 character of the wastes in the site.

8 MR. FERNANDEZ: Because I'm not aware of how
9 the whole thing works.

10 MR. BURSON: Could you get a little closer to
11 the microphone, please.

12 MR. FERNANDEZ: When you say you check the
13 leachate, where is the leachate in relation to the pile
14 itself, not coming in from the trucks, but after it's there
15 for a few years, where is the leachate?

16 MR. MEAGHER: The leachate gets collected
17 from that leachate collection system beneath the pile. It
18 drains through those series of pipes into a central point
19 where it can be sampled, and then it is sampled on a regular
20 basis four times a year at a minimum, I guess.

21 MR. FERNANDEZ: Who does that?

22 MR. MAHER: That's sampled by -- the samples
23 are collected by an independent firm and sent to an
24 independent laboratory.

25 MR. FERNANDEZ: And the independent firm

1 works for Casella?

2 MR. MAHER: Generally the firm works for
3 Casella, yes.

4 MR. FERNANDEZ: I'm just -- what I'm trying
5 to get at here is the objectivity. Assuming that it's
6 passed and going in, the monitoring process, does the
7 Department of Environmental Protection get involved in
8 checking Casella?

9 MR. MAHER: There are numerous opportunities
10 to validate data that's being collected. Beyond those
11 opportunities to validate data there is -- you're asking if
12 people go out and commit a crime, essentially, and that does
13 not happen in this business. We as professionals have our
14 licenses -- that's all we have is our licenses.

15 MR. FERNANDEZ: Are you representing Casella
16 now?

17 MR. MAHER: I am representing Casella right
18 now.

19 MR. FERNANDEZ: Okay. The only reason why
20 I'm asking was because whether it was right or wrong, my
21 understanding is that Casella has been charged over time in
22 different places of the country with different violations.
23 Assuming that they still had the same intention of
24 objectivity and crosschecking data and all that, still
25 the -- the corporation has been fined, if you please. In

1 some cases, as I understand it, you were asked to change
2 your way of operating. Now, my real question after all
3 this, who is monitoring you? Who is monitoring you
4 objectively, not that you're hiring people to do the
5 monitoring for you. Who comes to your -- who's going to
6 come to Old Town and just check the big pile and see what's
7 happening there? I'm not that concerned about the trucks
8 other than what you've said, that they'll be checked and
9 they'll have to validate what they're carrying. I'll accept
10 that. I'm just talking about after time and over time those
11 concentrations, which generally speaking have been approved
12 as being nontoxic only because the toxicity level is not
13 that high, but then in the pile over time how is that
14 checked?

15 MR. BURSON: Mr. Fernandez, I think you did
16 ask a question that I think might be answerable by the
17 Department, which had to do what does the Department do to
18 manage this. Steve Davis.

19 MR. DAVIS: Hi. I'm Steve Davis. We do
20 conduct your own independent work. We have, actually as
21 recently as, what, a month ago or so? We do our own
22 sampling, and we will be conducting splits for split
23 sampling periodically.

24 MR. FERNANDEZ: The state does this?

25 MR. DAVIS: Right.

1 MR. FERNANDEZ: How frequently does that
2 happen in the typical year typically?

3 MR. DAVIS: I'm not sure.

4 MS. CLARK: The state -- we have the ability
5 and we do on occasion take split samples with landfill
6 owners and operators. We do our own independent sampling
7 and analysis, but it does not happen with the frequency that
8 we require the landfill owners and operators to provide
9 monitoring results to us.

10 MR. FERNANDEZ: Fair enough. I'm just
11 curious. Typically how frequently can we count on the state
12 coming in to check the Casella an operation with their
13 so-called independent checkers?

14 MS. CLARK: I'm not going to be able to give
15 you a specific time frame today, but it is something we're
16 going to be talking about more specifically how often and
17 what arrangements we'll be making to do the split samples.

18 MR. FERNANDEZ: I don't want to press you,
19 but I've got to ask you this question. You've been living
20 with this for a number of years. Historically how many
21 times would you go to a typical dump to check it from the
22 state's point of view?

23 MS. CLARK: They're all a little bit
24 different but not with great frequency historically. At
25 certain landfills we may have done it once a year.

1 MR. FERNANDEZ: Okay. That's what I --

2 MR. MAHER: I'd like to add one more comment
3 to that question.

4 MR. FERNANDEZ: Okay.

5 MR. MAHER: And that would be, in the
6 situation we have in Hampden right now where the leachate
7 from that landfill is taken to the Bangor Wastewater
8 Treatment Facility, all the samples that are taken of the
9 leachate are split, and the Bangor Wastewater Treatment
10 Facility will run their own analyses on those samples to
11 document that, you know, the data coming from Casella is
12 accurate data.

13 MR. FERNANDEZ: My last question is, does
14 the -- will the Department be getting -- I don't know how
15 you operate, the process, but will the Department be getting
16 a list of acceptable potentially toxic things that are
17 approved to be accepted at this landfill, and will the
18 Department receive in that application -- will the
19 department receive in that same application a list of things
20 that will not be acceptable at all? I'm not talking just
21 general generic terms, but a list of what these things are
22 or are not. Is that a part of your review?

23 MS. DARLING: I'm Cyndi Darling. The
24 application does contain a list of the wastes that the
25 applicant is requesting now to take. There is the

1 opportunity in the future for them to file applications to
2 take additional waste. We have provisions in the
3 regulations as to how we review those additional waste
4 requests. There is a list in the application of
5 unacceptable waste. I can't imagine how we could think of
6 every possible waste they couldn't take. I mean, they
7 obviously can't take hazardous waste.

8 MR. FERNANDEZ: Sure. I understand. But
9 there is a list of both the things that is acceptable and a
10 list of those that are not acceptable?

11 MS. DARLING: There's a list of unacceptable
12 wastes, general terms.

13 MR. FERNANDEZ: Two lists. Thank you.

14 MR. BURSON: I think we have time for one
15 more question. It's five minutes of one. Please go ahead.

16 MS. LOMMLER: My name is Chris Lommler, and I
17 live in Old Town. I have a question that requires a yes or
18 no answer. Ms. Gallagher, do you feel that enough research
19 was done to know that there are no leaks at present?

20 COMMISSIONER GALLAGHER: Yes.

21 MS. LOMMLER: Mr. Maher, does Casella Waste
22 management, who you represent, feel that enough research has
23 been done to know that there are no leaks at present?

24 MR. MEAGHER: Yes.

25 MS. LOMMLER: If that's the case, why do we

1 have a clause in the agreement that says Casella Waste
2 Management is not responsible for anything that happened
3 before he came along -- any accident that happens now
4 because of something before. If there was nothing wrong
5 before, why won't you take that out of the contract?

6 MR. MEAGHER: In fact, in our operating
7 services agreement with the state we are taking on liability
8 for past, present, and future.

9 MS. LOMMLER: You will cover any accident no
10 matter what happens? You'll pay it? We won't?

11 MR. MEAGHER: That's correct.

12 MS. LOMMLER: There are no little clauses or
13 gray areas in that? That's been deleted?

14 MR. MEAGHER: As Mr. MacDonald.

15 MR. MACDONALD: That's correct.

16 MS. LOMMLER: Thank you. I appreciate that.
17 I guess I can ask Mr. MacDonald, is there a maximum amount
18 of waste that can go into the Old Town landfill per year?

19 MR. MACDONALD: The proposal that we accepted
20 from Casella put forth a business plan. We will not be
21 putting a restriction on the total tonnage of waste going to
22 the facility in any given year.

23 MS. LOMMLER: Thank you. Will any waste come
24 to Maine in any form and ultimately end up in the Old Town
25 landfill in any form? That's waste, that's ash, that's

1 anything that crosses the border from another state and
2 comes here. Will some of it ultimately end up in Old Town?
3 That question keeps coming up.

4 MR. MACDONALD: Waste that comes into the
5 state and is delivered to a landfill directly for disposal
6 is not acceptable at the West Old Town landfill.

7 MS. LOMMLER: If that waste stops somewhere
8 else on its way to the Old Town landfill, is it been
9 acceptable?

10 MR. MACDONALD: Depends what happens to it.

11 MS. LOMMLER: Could you explain to me? I
12 don't understand that.

13 COMMISSIONER GALLAGHER: I'd like to answer
14 that question. I think what George said is fairly accurate.
15 I'm not sure if it's accurately fair. The question is, if
16 the waste is treated at PERC and becomes ash, it is true
17 that it can go into the Old Town landfill.

18 MS. LOMMLER: Is there a limit on the amount?

19 COMMISSIONER GALLAGHER: Yes. It's in the
20 application. Can you give the exact figure, Paula? I have
21 the application in front of me. 310 sounds -- it's
22 something like that. Let's give you an exact figure. It is
23 right in the application. I will say that the amount of
24 waste that comes in and is burned and becomes ash that is
25 from out of state is limited. There is a limited amount.

1 It's my understanding it's a very small amount, but I do
2 want to be fair and say that while trash is not directly put
3 into the landfill, it is my understanding PERC, which I
4 believe towns represent, does have and does allow
5 out-of-state waste to be burned for ash purposes to meet its
6 energy requirements. I don't know if I'm -- I hope that --

7 MS. LOMMLER: So there's no limit on the
8 amount of waste that can go into the Old Town landfill, but
9 there is a limit on the amount that can come across the
10 borders, be processed, and come to the Old Town landfill?

11 COMMISSIONER GALLAGHER: Yes.

12 MR. DOYLE: I don't believe that that is
13 accurate.

14 COMMISSIONER GALLAGHER: Yes and no.

15 MR. DOYLE: Cyndi, do you want to --

16 MS. DARLING: I believe what Commissioner
17 Gallagher is referring to are the restrictions in the draft
18 license in terms of the quantity of waste from Maine Energy,
19 which is the incinerator that's located in Biddeford. That
20 amount of waste, not ash, but the amount of MSW, municipal
21 solid waste, is limited to 310,000 per year that is handled
22 at Maine Energy, the Pine Tree Landfill in Hampden, and West
23 Old Town if this application is approved.

24 MS. LOMMLER: But we do not have a limit on
25 those other things coming from out of state being

1 incinerated and brought to us? No limit? As long as
2 something happens to it after it crosses the border, it can
3 come to Old Town in unlimited amounts?

4 MR. DOYLE: That is correct. As long as it's
5 burned in a Maine incinerator, it is converted into ash, it
6 is acceptable for disposal at the West Old Town landfill.

7 MS. LOMMLER: Mr. Maher said he didn't know
8 when they would apply for the expansion of 179 acres.

9 MR. MEAGHER: The expansion application would
10 be the result of site investigations, which have not yet
11 been done.

12 MS. LOMMLER: Did you propose a time frame of
13 the year 2005 to begin that process? Was that proposed?

14 MR. MEAGHER: We will certainly begin field
15 investigations and preparing the application.

16 MS. LOMMLER: In 2005.

17 MR. MEAGHER: Oh, we'll begin this year. How
18 long it takes to complete that in order to --

19 MS. LOMMLER: And you project that it takes
20 about three years in your proposal?

21 MS. WALSH: Actually, ma'am, if I could ask
22 you to please allow him to finish his sentence.

23 MR. MEAGHER: Pete, do you want to talk about
24 the time frames it takes to prepare and expansion
25 application?

1 MS. LOMMLER: Thank you. That's all right.
2 I have enough information.

3 MR. MAHER: Real quick to answer the
4 question. It would take two or three years to prepare a
5 complete application for an expansion.

6 MS. WALSH: It's 1:00. This part of the
7 meeting is adjourned. We're going to be very diligent about
8 times, so we encourage you to come back at 3:00 if you have
9 comments. Please sign up.

10
11 (Session concluded at 1:00 P.M.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 CERTIFICATE

2 I, Sheila Glusker, a Notary Public in and for the
3 State of Maine, hereby certify that the within-named
4 speakers were sworn to testify to the truth, the whole
5 truth, and nothing but the truth, in the aforementioned
6 cause of action.

7
8 I further certify that this hearing was
9 stenographically reported by me and later reduced to print
10 through Computer-Aided Transcription, and the foregoing is a
11 full and true record of the testimony given by the speakers.

12
13 I further certify that I am a disinterested person
14 in the event or outcome of the above-named cause of action.

15
16 IN WITNESS WHEREOF I subscribe my hand this 31st
17 day of March, 2004. Dated at Augusta, Maine.

18
19 _____
20 Notary Public

21
22 My Commission Expires:

23 June 2008
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

